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Contents

Federal Register

Vol. 84, No. 238

Wednesday, December 11, 2019

Separate Parts In This Issue

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

9971 67657

10 CFR

73 67659

14 CFR

91 (2 documents) 67659, 67665

20 CFR

Proposed Rules:

617 67681
618 67681

29 CFR

Proposed Rules:

10 67681
90 67681
103 67682
516 67681
531 67681
578 67681
579 67681
580 67681
1614 67683

34 CFR

Proposed Rules:

674 67778
675 67778
676 67778
682 67778
685 67778
686 67778
690 67778
692 67778
694 67778

39 CFR

Proposed Rules:

3010 67685
3020 67685
3050 67685
3055 67685

49 CFR

10 67671

50 CFR

622 67674
660 67674

Federal Register
Vol. 84, No. 238
Wednesday, December 11, 2019

Presidential Documents

Title 3—

The President

Proclamation 9971 of December 6, 2019

National Pearl Harbor Remembrance Day, 2019

By the President of the United States of America

A Proclamation

Seventy-eight years ago today, the course of our Nation's history was forever altered by the surprise attack at Pearl Harbor on Oahu, Hawaii. On National Pearl Harbor Remembrance Day, we solemnly remember the tragic events of that morning and honor those who perished in defense of our Nation that day and in the ensuing 4 years of war.

Just before 8 a.m. on December 7, 1941, airplanes launched from the Empire of Japan's aircraft carriers dropped bombs and torpedoes from the sky, attacking our ships moored at Naval Station Pearl Harbor and other military assets around Oahu. Following this swift assault, the United States Pacific Fleet and most of the Army and Marine airfields on the island were left decimated. Most tragically, 2,335 American service members and 68 civilians were killed, marking that fateful day as one of the deadliest in our Nation's history.

Despite the shock of the attack, American service members at Pearl Harbor fought back with extraordinary courage and resilience. Sprinting through a hailstorm of lead, pilots rushed to the few remaining planes and took to the skies to fend off the incoming Japanese attackers. Soldiers on the ground fired nearly 300,000 rounds of ammunition and fearlessly rushed to the aid of their wounded brothers in arms. As a solemn testament to the heroism that abounded that day, 15 American servicemen were awarded the Medal of Honor—10 of which were awarded posthumously. In one remarkable act of bravery, Doris ''Dorie'' Miller, a steward aboard the USS West Virginia, manned a machine gun and successfully shot down multiple Japanese aircraft despite not having been trained to use the weapon. For his valor, Miller was awarded the Navy Cross and was the first African-American recognized with this honor.

In the wake of this heinous attack, the United States was left stunned and wounded. Yet the dauntless resolve of the American people remained unwavering and unbreakable. In his address to the Congress the following day, broadcast to the Nation over radio, President Franklin Delano Roosevelt assured us that ''[w]ith confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph.'' In the days, months, and years that followed, the full might of the American people, industry, and military was brought to bear on our enemies. Across the Atlantic and Pacific, 16 million American servicemen and women fought to victory, making the world safe for freedom and democracy once again. More than 400,000 of these brave men and women never returned home, giving their last full measure of devotion for our Nation.

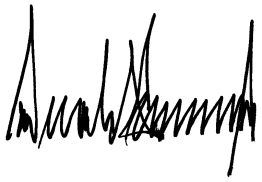
While nearly eight decades have passed since the last sounds of battle rang out over Pearl Harbor, we will never forget the immeasurable sacrifices these courageous men and women made so that we may live today in peace and prosperity. We continue to be inspired by the proud legacy left by the brave patriots of the Greatest Generation who served in every capacity during World War II, from keeping factories operating on the home front to fighting on the battlefields in Europe, North Africa, and the South Pacific. Their incredible heroism, dedication to duty, and love of country

continue to embolden our drive to create a better world and galvanize freedom-loving people everywhere under a common cause. On this day, we resolve forever to keep the memory of the heroes of Pearl Harbor alive as a testament to the tremendous sacrifices they made in defense of freedom and all that we hold dear.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as ''National Pearl Harbor Remembrance Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 7, 2019, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-fourth.



[FR Doc. 2019–26779
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Billing code 3295–F0–P

Rules and Regulations

Federal Register
Vol. 84, No. 238
Wednesday, December 11, 2019

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC–2019–0128]

RIN 3150–AK34

Miscellaneous Corrections; Correction

AGENCY: Nuclear Regulatory Commission

ACTION: Final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a rule that was published in the **Federal Register** on November 18, 2019, regarding miscellaneous corrections to NRC regulations. The action is necessary to insert language that was inadvertently omitted from the regulatory text.

DATES: The correction is effective on December 18, 2019.

ADDRESSES: Please refer to Docket ID NRC–2019–0128 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0128. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jill Shepherd, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1230; email: *Jill.Shepherd@nrc.gov*.

SUPPLEMENTARY INFORMATION: Effective December 18, 2019, in FR Rule Doc. No. 2019–25021 at 84 FR 63565 in the issue of November 18, 2016, on page 63568, in the third column, in amendatory instruction 25 amending § 73.72, paragraph (a)(1) is corrected to read as follows:

§ 73.72 [Corrected]

(a) * * *

(1) Notify in writing by mail addressed to ATTN: Document Control Desk, Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or by using any appropriate method listed in § 73.4 of this part. Classified notifications shall be sent to the NRC headquarters classified mailing address listed in appendix A to this part.

Dated at Rockville, Maryland, this 5th day of December 2019.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–26651 Filed 12–10–19; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2015–8672; Amdt. No. 91–340B]

RIN 2120–AL44

Extension of the Prohibition Against Certain Flights in Specified Areas of the Sanaa Flight Information Region (FIR) (OYSC)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action extends the prohibition against certain flight operations in specified areas of the Sanaa Flight Information Region (FIR) (OYSC) by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. The FAA finds this action necessary to address the continued hazards to persons and aircraft engaged in such flight operations from the ongoing fighting and instability in Yemen, as well as terrorist and militant activity. The FAA also republishes, with minor revisions, the approval process and exemption information for this flight prohibition Special Federal Aviation Regulation (SFAR); makes a technical correction to the SFAR to show that operations on jet route M999 are permitted; makes editorial changes to this SFAR to clarify prohibited and permitted operations; makes a minor editorial change to the title of the rule; and makes other minor revisions for consistency with other recently published flight prohibition SFARs.

DATES: This final rule is effective on December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Dale E. Roberts, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–8166; email *dale.e.roberts@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action extends the expiration date of SFAR No. 115, title 14 Code of Federal Regulations (CFR) 91.1611, from January 7, 2020, until January 7, 2022. SFAR No. 115 prohibits certain flight operations in specified areas of the Sanaa Flight Information Region (FIR) (OYSC), the boundaries of which are set forth in paragraph (b) of this final rule, by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a

foreign air carrier. Consistent with other recently published flight prohibition SFARs, this action also republishes, with minor revisions, the approval process and exemption information for this SFAR; makes editorial changes to this SFAR to clarify prohibited and permitted operations; and makes a minor editorial change to the title of the rule for consistency. This action also makes a technical correction to the SFAR to show that operations on jet route M999 are permitted.

II. Legal Authority and Good Cause

A. Legal Authority

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA Administrator's authority to issue rules on aviation safety is found in 49 U.S.C. 106(f) and (g). Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise this authority consistently with the obligations of the U.S. Government under international agreements.

This rulemaking is promulgated under the authority described in 49 U.S.C. 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of FAA's authority, because it continues to prohibit the persons described in paragraph (a) of SFAR No. 115, § 91.1611, from conducting flight operations in specified areas of the Sanaa FIR (OYSC) due to the continuing hazards to the safety of U.S. civil flight operations, as described in the preamble to this final rule.

B. Good Cause for Immediate Adoption

Section 553(b)(3)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Section 553(d) also authorizes agencies to forgo the delay in the effective date of the final rule for good cause found and published with the rule. In this instance, the FAA finds good cause exists to forgo notice and comment because notice and comment would be impracticable and contrary to the public interest. In addition, it is contrary to the public interest to delay the effective date of this SFAR.

The risk environment for U.S. civil aviation in airspace managed by other countries with respect to safety of flight risks posed by weapons capable of targeting, or otherwise negatively affecting, U.S. civil aviation, as well as other hazards to U.S. civil aviation associated with fighting, extremist/militant activity, or heightened tensions, is fluid. This fluidity and the need for the FAA to rely upon classified information in assessing these risks make seeking notice and comment impracticable and contrary to the public interest. With respect to the impracticability of notice and comment procedures, the potential for rapid changes in the risks to U.S. civil aviation significantly limits how far in advance of a new or amended flight prohibition the FAA can usefully assess the risk environment. Furthermore, to the extent that these rules and any amendments to them are based upon classified information, the FAA is not legally permitted to share such information with the general public, who cannot meaningfully comment on information to which they are not legally allowed access.

Under these conditions, public interest considerations also favor not seeking notice and comment for these rules and any amendments to them. While there is a public interest in having an opportunity for the public to comment on agency action, there is a greater public interest in having the FAA's flight prohibitions, and any amendments thereto, reflect the agency's most current understanding of the risk environment for U.S. civil aviation. This allows the FAA to appropriately protect the safety of U.S. operators' aircraft and the lives of their passengers and crews without over-restricting U.S. operators' routing options. The FAA has identified an ongoing need to maintain the flight prohibition for U.S. civil aviation operations in specified areas of the Sanaa FIR (OYSC) due to continued safety-of-flight hazards associated with ongoing political instability, fighting involving various militia/extremist/militant elements, and military activity by foreign sponsors supporting various elements operating in the specified areas of the Sanaa FIR (OYSC). These hazards, which are further described in the preamble to this rule, require that the FAA's flight prohibition for U.S. civil aviation operations in specified areas of the Sanaa FIR (OYSC) continue without interruption.

Because the final rule makes no changes to the boundaries of an existing FAA flight prohibition for U.S. civil aviation operations, it is also contrary to the public interest to delay the effective date of the rule. Delaying the effective date would not change the compliance obligations of U.S. operators and airmen up to January 7, 2020, and, depending upon the date on which the final rule is published in the **Federal Register**, could result in a gap in the regulation's effectiveness of as many as 30 days between January 7, 2020, and the new effective date. Such an outcome would be contrary to the interests of U.S. civil aviation safety due to the hazards to U.S. civil flight operations in the specified areas of the Sanaa FIR (OYSC).

For these reasons, the FAA finds good cause exists to forgo notice and comment and any delay in the effective date for this rule.

III. Background

On January 7, 2016, the FAA published SFAR No. 115, § 91.1611, to prohibit U.S. civil aviation operations in specified areas of the Sanaa FIR (OYSC), due to the hazardous situation faced by U.S. civil aviation from ongoing military operations, political instability, violence from competing armed groups, and the continuing terrorism threat from extremist elements associated with the fighting and instability in Yemen.[1]

In taking that action, the FAA determined international civil air routes that transited the then-specified areas of the Sanaa FIR (OYSC) and aircraft operating to and from Yemeni airports were at risk from terrorist and militant groups potentially employing anti-aircraft-capable weapons, including man-portable air defense systems (MANPADS), surface-to-air missiles (SAMs), small-arms fire, and indirect fire from mortars and rockets. Due to the fighting and instability, as of January 2016, the FAA stated that there was a risk of possible loss of state control over more advanced anti-aircraft-capable weapons to terrorist and militant groups. Some of the weapons that the FAA was concerned about have the capability to target aircraft at higher altitudes or during approach and departure and have weapon ranges that

[1] *Prohibition Against Certain Flights in Specified Areas of the Sanaa (OYSC) Flight Information Region (FIR)* final rule, 81 FR 727.

could extend into the near off-shore areas along Yemen's coastline.

In the January 2016 final rule, the FAA also indicated that U.S. civil aviation was at risk from combat operations and other military-related activity associated with the fighting and instability and that there was an ongoing threat of terrorism. Al-Qa'ida in the Arabian Peninsula (AQAP) remained active in Yemen and had demonstrated the capability and intent to target U.S. and Western aviation interests. Various Yemeni airports had been attacked during the fighting, including Sanaa International Airport (OYSN) and Aden International Airport (OYAA), resulting in instances of damage to airport facilities and temporary closure of the airports.

In December 2017, the FAA amended SFAR No. 115, § 91.1611, to shrink the boundaries of its prohibition of U.S. civil aviation operations in specified areas of the Sanaa FIR (OYSC).[2] Between January 2016, and December 2017, the situation in Yemen had slightly improved, as a coalition of Yemeni government forces, supporting nations, and allied militia elements successfully limited the area of opposition force control and reduced some of the opposition force's weapon capabilities. As of December 2017, opposition elements in Yemen did not possess functional medium-/long-range strategic SAM capabilities. As a result, the FAA found that there was a sufficiently reduced level of risk to U.S. civil aviation operations on certain international air routes that transit offshore areas of the Sanaa FIR (OYSC) to again permit U.S. civil aviation operations on those routes.

IV. Discussion of the Final Rule

The FAA continues to assess the situation in the specified areas of the Sanaa FIR (OYSC) as being hazardous for U.S. civil aviation. Significant risk to U.S. civil aviation operations in the specified areas of the Sanaa FIR (OYSC) continues to exist due to the ongoing conflict between the Saudi Arabia-led coalition and Huthi-aligned forces, as well as an enduring extremist/militant threat to U.S. civil aviation operations in those areas. During the conflict, there have been multiple reported surface-to-air incidents, including successful shoot downs of military tactical and surveillance aircraft by Huthi forces armed with a variety of anti-aircraft-capable weapons. Huthi elements, with international assistance, have received or developed, and successfully employed, innovative anti-aircraft-capable weapons, ballistic missiles and unmanned aircraft systems capabilities. These capabilities present a risk to U.S. civil aviation, which may be deliberately or inadvertently targeted while operating in the Sanaa FIR (OYSC). Airports within the Sanaa FIR (OYSC) have been attacked by various entities using multiple capabilities. Additionally, extremist/militant elements continue to exploit the conflict for control of territory to launch attacks. Both Al-Qaida in the Arabian Peninsula (AQAP) and extremists aligned with the Islamic State of Iraq and ash-Sham (ISIS) operate in Yemen. Both AQAP and ISIS have previously conducted attacks on U.S. interests, including targeting civil aviation.

The FAA continues to assess that opposition elements in Yemen do not possess functional medium-/long-range strategic SAM capabilities or control territory from which surface-to-air weapons possessed by those opposition forces are capable of reaching air routes off the southern and western coasts of Yemen. Therefore, the FAA maintains without change the boundaries of its prohibition on U.S. civil aviation operations in the specified areas of the Sanaa FIR (OYSC). Operations on jet routes UT702 and M999 continue to be permitted.

Therefore, as a result of the significant continuing risks to the safety of U.S. civil aviation in the specified areas of the Sanaa FIR (OYSC), the FAA extends the expiration date of SFAR No. 115, § 91.1611, from January 7, 2020 until January 7, 2022. By this action, the FAA prohibits flight operations in the specified areas of the Sanaa FIR (OYSC) at all altitudes by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition.

The FAA will continue to actively monitor the situation and evaluate the extent to which U.S. civil operators and airmen may be able to operate safely in the specified areas of the Sanaa FIR (OYSC). Amendments to SFAR No. 115, § 91.1611, may be appropriate if the risk to aviation safety and security changes. The FAA may amend or rescind SFAR No. 115, § 91.1611, as necessary, prior to its expiration date.

By this action, the FAA also makes minor editorial changes to correct the formatting of the name of the FIR; clarify the operations that are prohibited and those that are permitted; and clarify the procedures for considering approval and exemption requests. These changes are consistent with other recently published flight prohibition SFARs. The FAA is also republishing the details concerning the approval and exemption processes in Sections V and VI of this preamble, so that interested persons will be able to refer to this final rule for comprehensive information about requesting relief from the FAA from the provisions of SFAR No. 115, § 91.1611. Finally, the FAA makes a technical correction to the final rule to clarify that operations on jet route M999 are permitted.

V. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

A. Approval Process Based on an Authorization Request From a Department, Agency, or Instrumentality of the United States Government

In some instances, U.S. Government departments, agencies, or instrumentalities may need to engage U.S. civil aviation to support their activities in the specified areas of the Sanaa FIR (OYSC). The FAA is clarifying the approval process for SFAR No. 115, § 91.1611, consistent with other recently published flight prohibition SFARs, as previously indicated. If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person described in SFAR No. 115, § 91.1611, including a U.S. air carrier or commercial operator, to conduct a charter to transport civilian or military passengers or cargo, or other operations, in the specified areas of the Sanaa FIR (OYSC), that department, agency, or instrumentality may request the FAA to approve persons described in SFAR No. 115, § 91.1611, to conduct such operations.

An approval request must be made directly by the requesting department, agency, or instrumentality of the U.S. Government to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality. The FAA will not accept or consider requests for

[2] *Amendment of the Prohibition Against Certain Flights in Specified Areas of the Sanaa (OYSC) Flight Information Region* final rule, 82 FR 58722 (Dec. 14, 2017).

approval from anyone other than the requesting department, agency, or instrumentality. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently positioned within the organization to demonstrate that the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval and (2) ensure that any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requests for approval must be submitted to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the proposed operations to commence.

The letter must be sent to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the approval request is granted. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267–8166, to obtain the appropriate email address. A single letter may request approval from the FAA for multiple persons described in SFAR No. 115, § 91.1611, or for multiple flight operations. To the extent known, the letter must identify the person(s) expected to be covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality is seeking FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service to be provided by the person(s) covered by the SFAR;
- To the extent known, the specific locations in the specified areas of the Sanaa FIR (OYSC) where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the specified areas of the Sanaa FIR (OYSC) and the airports, airfields or landing zones at which the aircraft will take off and land; and
- The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or its prime contractor has a subcontract(s)) for specific flight operations in the specified areas of the Sanaa FIR (OYSC). The requestor may identify additional operators to the FAA at any time after the FAA approval is issued. However, all additional operators must be identified to, and obtain an Operations Specification (OpSpec) or Letter of Authorization (LOA) from, the FAA, as appropriate, for operations in the specified areas of the Sanaa FIR (OYSC), before such operators commence such operations. The approval conditions discussed below apply to any such additional operators. Updated lists should be sent to the email address to be obtained from the Air Transportation Division by calling (202) 267–8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspector Dale E. Roberts for instructions on submitting it to the FAA. His contact information is listed in the For Further Information Contact section of this final rule.

FAA approval of an operation under SFAR No. 115, § 91.1611, does not relieve persons subject to this SFAR of their responsibility to comply with all other applicable FAA rules and regulations. Operators of civil aircraft must comply with the conditions of their certificate, OpSpecs, and LOAs, as applicable. Operators must also comply with all rules and regulations of other U.S. Government departments or agencies that may apply to the proposed operation(s), including, but not limited to, regulations issued by the Transportation Security Administration.

B. Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety Organization will send an approval letter to the requesting department, agency, or instrumentality, informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the specified areas of the Sanaa FIR (OYSC); and

(b) The operator's written agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in the specified areas of the Sanaa FIR (OYSC).

(3) Other conditions that the FAA may specify, including those that may be imposed in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443 of title 49, U.S. Code.

If the FAA approves the proposed operation(s), the FAA will issue an OpSpec or LOA, as applicable, to the operator(s) identified in the original request authorizing them to conduct the approved operation(s), and will notify the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter.

VI. Information Regarding Petitions for Exemption

Any operations not conducted under an approval the FAA issues through the approval process set forth previously must be conducted under an exemption from SFAR No. 115, § 91.1611. A petition for exemption must comply with 14 CFR part 11. The FAA will consider whether exceptional circumstances exist beyond those contemplated by the approval process described in the previous section. In addition to the information required by 14 CFR 11.81, at a minimum, the requestor must describe in its submission to the FAA—

- The proposed operation(s), including the nature of the operation;
- The service to be provided by the person(s) covered by the SFAR;

• The specific locations in the specified areas of the Sanaa FIR (OYSC) where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the specified areas of the Sanaa FIR (OYSC) and the airports, airfields or landing zones at which the aircraft will take off and land;

• The method by which the operator will obtain current threat information, and an explanation of how the operator will integrate this information into all phases of its proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases); and

• The plans and procedures the operator will use to minimize the risks, identified in this preamble, to the proposed operations, to establish that granting the exemption would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. The FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from flight prohibition SFARs.

Additionally, the release and agreement to indemnify, as referred to previously, are required as a condition of any exemption that may be issued under SFAR No. 115, § 91.1611.

The FAA recognizes that the operations SFAR No. 115, § 91.1611, might affect could include operations planned for the governments of other countries with the support of the U.S. Government. While the FAA will not permit these operations through the approval process, the FAA will consider exemption requests for such operations on an expedited basis and prior to any private exemption requests.

If a petition for exemption includes security-sensitive or proprietary information, requestors may contact Aviation Safety Inspector Dale E. Roberts for instructions on submitting it to the FAA. His contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

VII. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39), as codified in 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. Chapter 25, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA has determined that this final rule has benefits that justify its costs. This rule is a significant regulatory action, as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order. As notice and comment under 5 U.S.C. 553 are not required for this final rule, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 regarding impacts on small entities are not required. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously.

A. Regulatory Evaluation

Due to the significant hazards to U.S. civil aviation described in the preamble of this final rule, this rule continues to prohibit U.S. civil flights in the specified areas of the Sanaa FIR (OYSC). The FAA believes there are very few U.S. operators who wish to operate in the specified areas of the Sanaa (OYSC) FIR where U.S. civil aviation operations will continue to be prohibited. The FAA receives few requests for approval or petitions for exemption to conduct flight operations in airspace managed by other countries in which the FAA has prohibited U.S. civil aviation from flying and expects that this pattern will hold true for this rule.

In addition, the rule continues to allow U.S. civil aviation to use the M999 and UT702 air routes, so flight times and operating expenses, such as fuel, for U.S. operators that transit the Middle East on those routes are not affected by this final rule.

Therefore, the FAA finds that the costs of extending SFAR No. 115, § 91.1611, will be minimal and are exceeded by the benefits of avoided risks of deaths, injuries, and property damage that could result from a U.S. operator's aircraft being shot down (or otherwise damaged) while operating in the specified areas of the Sanaa FIR (OYSC).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever an agency is required by 5 U.S.C. 553, or any other law, to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553, after being required by that section or any other law to publish a general notice of proposed rulemaking. The FAA found good cause to forgo notice and comment and any delay in the effective date for this rule. As notice and comment under 5 U.S.C. 553 are not required in this situation, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 are similarly not required.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from hazards to their operations in the specified areas of the Sanaa FIR (OYSC), a location outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act of 1979.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA's policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation. The FAA finds that this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure that the FAA exercises its duties consistently with the obligations of the United States under international agreements.

While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition. In addition, foreign air carriers and other foreign operators may choose to avoid, or be advised or directed by their civil aviation authorities to avoid, airspace for which the FAA has issued a flight prohibition.

G. Environmental Analysis

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4, 1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114 because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 8–6(c), FAA has prepared a memorandum for the record stating the reason(s) for this determination; this memorandum has been placed in the docket for this rulemaking.

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609 and has determined that this action would have no effect on international regulatory cooperation.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, Feb. 3, 2017) because it is issued with respect to a national security function of the United States.

IX. Additional Information

A. Availability of Rulemaking Documents

An electronic copy of a rulemaking document may be obtained from the internet by—

- Searching the docket for this rulemaking at *https://www.regulations.gov;*
- Visiting the FAA's Regulations and Policies web page at *https://www.faa.gov/regulations_policies;* or
- Accessing the Government Publishing Office's website at *https://www.govinfo.gov.*

Copies may also be obtained by sending a request (identified by amendment or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

Except for classified material, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the docket for this rulemaking.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) (set forth as a note to 5 U.S.C. 601) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the persons listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Yemen.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Revise § 91.1611 to read as follows:

§ 91.1611 Special Federal Aviation Regulation No. 115—Prohibition Against Certain Flights in Specified Areas of the Sanaa Flight Information Region (FIR) (OYSC).

(a) *Applicability.* This Special Federal Aviation Regulation (SFAR) applies to the following persons:

(1) All U.S. air carriers and U.S. commercial operators;

(2) All persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and

(3) All operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier.

(b) *Flight prohibition.* Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the portion of the Sanaa Flight Information Region (FIR) (OYSC) that is west of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), northwest of a line drawn direct from NODMA to ORBAT (140638N 0503924E) then from ORBAT to PAKER (115500N 0463500E), north of a line drawn direct from PAKER to PARIM (123142N 0432712E), and east of a line drawn direct from PARIM to RIBOK (154700N 0415230E). Use of jet route UN303 is not authorized.

(c) *Permitted operations.* This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the Sanaa FIR (OYSC) under the following circumstances:

(1) Flight operations may be conducted in the Sanaa FIR (OYSC) in that airspace east of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), southeast of a line drawn direct from NODMA to ORBAT (140638N 0503924E) then from ORBAT to PAKER (115500N 0463500E), south of a line drawn direct from PAKER to PARIM (123142N 0432712E), and west of a line drawn direct from PARIM to RIBOK (154700N 0415230E). Use of jet routes UT702 and M999 are authorized. All flight operations conducted under this subparagraph must be conducted subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Yemen.

(2) Flight operations may be conducted in the Sanaa FIR (OYSC) in that airspace west of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), northwest of a line drawn direct from NODMA to ORBAT (140638N 0503924E) then from ORBAT to PAKER (115500N 0463500E), north of a line drawn direct from PAKER to PARIM (123142N 0432712E), and east of a line drawn direct from PARIM to RIBOK (154700N 0415230E) if such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. Government (or under a subcontract between the prime contractor of the U.S. Government department, agency, or instrumentality and the person subject to paragraph (a)), with the approval of the FAA, or under an exemption issued by the FAA. The FAA will consider requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. Government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

(d) *Emergency situations.* In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this section to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR part 119, 121, 125, or 135, each person who deviates from this section must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the responsible Flight Standards office a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

(e) *Expiration.* This SFAR will remain in effect until January 7, 2022. The FAA may amend, rescind, or extend this SFAR as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on December 4, 2019.

Steve Dickson,

Administrator.

[FR Doc. 2019–26602 Filed 12–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2007–27602; Amdt. No. 91–339B]

RIN 2120–AL46

Extension of the Prohibition Against Certain Flights in the Territory and Airspace of Somalia

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action extends the prohibition against certain flight operations in the territory and airspace of Somalia at altitudes below Flight Level (FL) 260 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. The FAA is taking this action because it has determined there continues to be an unacceptable risk to U.S. civil aviation operating in the territory and airspace of Somalia at altitudes below FL260 from terrorist and militant activity. The FAA also republishes, with minor revisions, the approval process and exemption information for this flight prohibition Special Federal Aviation Regulation (SFAR) and makes minor editorial changes to this SFAR to clarify prohibited and permitted operations, consistent with other recently published flight prohibition SFARs.

DATES: This final rule is effective on December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Dale E. Roberts, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington,

DC 20591; telephone 202–267–8166; email *dale.e.roberts@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action extends the expiration date of SFAR No. 107, title 14 Code of Federal Regulations (CFR) 91.1613, from January 7, 2020 until January 7, 2023. SFAR No. 107 prohibits certain flight operations in the territory and airspace of Somalia at altitudes below FL260 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. Consistent with other recently published flight prohibition SFARS, this action also republishes, with minor revisions, the approval process and exemption information for this SFAR and makes minor editorial changes to clarify prohibited and permitted operations.

II. Legal Authority and Good Cause

A. Legal Authority

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA Administrator's authority to issue rules on aviation safety is found in 49 U.S.C. 106(f) and (g). Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise this authority consistently with the obligations of the U.S. Government under international agreements.

This rulemaking is promulgated under the authority described in 49 U.S.C. 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of FAA's authority because it continues to prohibit the persons described in paragraph (a) of SFAR No. 107, § 91.1613, from conducting flight operations in the territory and airspace of Somalia at altitudes below FL260 due to the continuing hazards to the safety of U.S. civil flight operations at those altitudes, as described in the preamble to this final rule.

B. Good Cause for Immediate Adoption

Section 553(b)(3)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Section 553(d) also authorizes agencies to forgo the delay in the effective date of the final rule for good cause found and published with the rule. In this instance, the FAA finds good cause exists to forgo notice and comment because notice and comment would be impracticable and contrary to the public interest. In addition, it is contrary to the public interest to delay the effective date of this flight prohibition SFAR.

The risk environment for U.S. civil aviation in airspace managed by other countries with respect to safety of flight risks posed by weapons capable of targeting, or otherwise negatively affecting, U.S. civil aviation, as well as other hazards to U.S. civil aviation associated with fighting, extremist/militant activity, or heightened tensions, is fluid. This fluidity and the need for the FAA to rely upon classified information in assessing these risks make seeking notice and comment impracticable and contrary to the public interest. With respect to the impracticability of notice and comment procedures, the potential for rapid changes in the risks to U.S. civil aviation significantly limits how far in advance of a new or amended flight prohibition the FAA can usefully assess the risk environment. Furthermore, to the extent these rules and any amendments to them are based upon classified information, the FAA is not legally permitted to share such information with the general public, who cannot meaningfully comment on information to which they are not legally allowed access.

Under these conditions, public interest considerations also favor not seeking notice and comment for these rules and any amendments to them. While there is a public interest in having an opportunity for the public to comment on agency action, there is a greater public interest in having the FAA's flight prohibitions, and any amendments thereto, reflect the agency's most current understanding of the risk environment for U.S. civil aviation. This allows the FAA to appropriately protect the safety of U.S. operators' aircraft and the lives of their passengers and crews without over-restricting U.S. operators' routing options. The FAA has identified an ongoing need to maintain the flight prohibition for U.S. civil aviation operations in the territory and airspace of Somalia at altitudes below FL260 due to continued safety-of-flight hazards associated with terrorist and militant activity. These hazards, which are further described in the preamble to this final rule, require that the FAA's flight prohibition for U.S. civil aviation operations in the territory and airspace of Somalia at altitudes below FL260 continue without interruption.

Because the final rule makes no changes to the boundaries of an existing FAA flight prohibition for U.S. civil aviation operations, it is also contrary to the public interest to delay the effective date of the rule. Delaying the effective date would not change the compliance obligations of U.S. operators and airmen up to January 7, 2020, and, depending upon the date on which the final rule is published in the **Federal Register**, could result in a gap in the regulation's effectiveness of as many as 30 days between January 7, 2020 and the new effective date. Such an outcome would be contrary to the interests of U.S. civil aviation safety due to the hazards to U.S. civil flight operations in the territory and airspace of Somalia at altitudes below FL260.

For these reasons, the FAA finds good cause exists to forgo notice and comment and any delay in the effective date for this rule.

III. Background

The FAA first issued SFAR No. 107 in 2007, based on aviation safety and national security concerns regarding U.S. civil flight operations in Somalia, as well as overflights of Somalia below FL200.[1] The terrorist group Al-Shabaab had conducted multiple attacks against civil aviation, including attacks on two IL–76 aircraft near Aden Adde International Airport (then known as Mogadishu International Airport) (HCMM) in March 2007 that likely used man-portable air defense systems (MANPADS). These incidents occurred days after unknown individuals attacked the airport with mortars, causing minimal damage. Consequently, the FAA determined it was neither safe nor in the national security interests of the United States for persons subject to

[1] *Prohibition Against Certain Flights Within the Territory and Airspace of Somalia* final rule, 72 FR 16710 (Apr. 5, 2007). The final rule was effective March 30, 2007.

SFAR No. 107 to overfly Somali territory at altitudes below FL200.

On January 7, 2016, the FAA expanded its existing prohibition of U.S. civil aviation operations in the territory and airspace of Somalia, after determining the risk from terrorist and militant activity made it unsafe for U.S. civil flights to operate in the territory and airspace of Somalia at altitudes below FL260.[2] The FAA determined international civil air routes transiting Somali airspace and aircraft operating to and from Somali airports remained at risk due to terrorist and militant groups potentially employing anti-aircraft-capable weapons, including MANPADS, small-arms fire and indirect fire from mortars and rockets targeting airports. Some of the weapons about which the FAA was concerned have the capability to target aircraft upon approach and departure and aircraft at higher altitudes. Al-Shabaab had remained active in Somalia and had demonstrated the capability and intent to target U.S. and Western interests, including civil aviation. Al-Shabaab had also conducted ground assaults against Aden Adde International Airport (HCMM), including an attack in December 2014. As stated in the January 2016 final rule, in the FAA's view, attacks against aircraft in-flight or Somali airports could occur with little or no warning. The FAA extended the expiration date of SFAR No. 107, § 91.1613, until January 7, 2018.[3]

In December 2017, the FAA, again, extended the expiration date of SFAR No. 107, § 91.1613, until January 7, 2020, due to continuing hazards to U.S. civil flight operation in the territory and airspace of Somalia at altitudes below FL260. In the December 2017 final rule,[4] the FAA found that al-Shabaab had continued to directly target civil aviation using additional tactics, including the use of concealed improvised explosive devices (IEDs) in an effort to bypass airport security screening at Aden Adde International Airport (HCMM) to detonate the device onboard an aircraft. This had been demonstrated when al-Shabaab claimed responsibility for the onboard detonation of a concealed IED on Daallo Airlines Flight 159, which originated from Aden Adde International Airport (HCMM) in February 2016. Al-Shabaab had also conducted frequent terror attacks in close proximity to the airport and had conducted indirect fire attacks targeting facilities within the perimeter of the airport. Al-Shabaab had also conducted ground assaults against Aden Adde International Airport (HCMM), including the use of a vehicle-borne IED in January 2017. Other extremists, including elements of the Islamic State of Iraq and ash Sham (ISIS), also operated in Somalia and were capable of threatening civil aviation. Therefore, the FAA extended the SFAR's expiration date from January 7, 2018, until January 7, 2020.

IV. Discussion of the Final Rule

The FAA continues to assess the situation in the territory and airspace of Somalia at altitudes below FL260 as being hazardous for U.S. civil aviation operations due to the poor security environment and fragile governance structure in Somalia, as well as the threat posed by al-Shabaab, an al-Qa'ida-aligned extremist group, and other extremists/militants. Al-Shabaab has demonstrated an intent and capabilities to target civil aviation operations in the territory and airspace of Somalia through a variety of means, including the use of an insider to smuggle a concealed IED onto a civil aircraft, use of anti-aircraft-capable weapons, and direct and indirect attacks on Somali airports. Al-Shabaab has frequently targeted Aden Adde International Airport (HCMM) with attacks using indirect fire, small arms fire and vehicle-borne IEDs. Al-Shabaab has conducted multiple mortar attacks targeting the African Union Mission in Somalia (AMISOM) at Aden Adde International Airport (HCMM), and has done so as recently as January 1, 2019. Al-Shabaab frequently conducts vehicle-borne IED attacks targeting Western interests and public venues in Mogadishu, including detonating vehicle-borne IEDs near malls (February 2019), hotels (November 2018) and near a security check point close to Aden Adde International Airport (HCMM) (June 2019). In addition, al-Shabaab is assessed to have access to anti-aircraft-capable weapons presenting a risk to U.S. civil aviation operations at altitudes below FL260. Furthermore, ISIS has a cell trying to gain influence in Somalia, which presents another extremist threat to Western interests, including civil aviation. ISIS elements in Somalia may have access to anti-aircraft-capable weapons.

In February 2019, AMISOM began to draw down its forces, as its mandate expires in 2020, and began transferring security responsibilities back to Somalia. During the AMISOM drawdown, al-Shabaab may attempt to exploit vulnerabilities in Somali security and increase attacks on remaining AMISOM bases and Western interests. For these reasons, the FAA is concerned the risk to U.S. civil aviation operations may increase as AMISOM continues its scheduled drawdown.

Therefore, as a result of the significant continuing risks to the safety of U.S. civil aviation in the territory and airspace of Somalia at altitudes below FL260, the FAA extends the expiration date of SFAR No. 107, § 91.1613, from January 7, 2020 until January 7, 2023. By this action, the FAA prohibits flight operations in the territory and airspace of Somalia at altitudes below FL260 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition.

The FAA will continue to actively monitor the situation and evaluate the extent to which U.S. civil operators and airmen may be able to operate safely in the territory and airspace of Somalia at altitudes below FL260. Amendments to SFAR No. 107, § 91.1613, may be appropriate if the risk to aviation safety and security changes. The FAA may amend or rescind SFAR No. 107, § 91.1613, as necessary, prior to its expiration date.

By this action, the FAA also makes minor editorial changes to clarify the operations that are prohibited and those that are permitted and clarify the procedure for considering approval and exemption requests. These changes are consistent with other recently published flight prohibition SFARs. The FAA also republishes the approval and exemption processes in Sections V and VI of this preamble, so interested persons will be able to refer to this final rule for comprehensive information about requesting relief from the FAA from the provisions of SFAR No. 107, § 91.1613.

[2] *Prohibition Against Certain Flights in the Territory and Airspace of Somalia* final rule, 81 FR 721.

[3] The January 7, 2016, final rule placed SFAR No. 107 in subpart M of part 91, at 14 CFR 91.1613.

[4] *Extension of the Prohibition Against Certain Flights in the Territory and Airspace of Somalia* final rule, 82 FR 58546 (Dec. 13, 2017).

V. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

A. Approval Process Based on an Authorization Request From a Department, Agency, or Instrumentality of the United States Government

In some instances, U.S. Government departments, agencies, or instrumentalities may need to engage U.S. civil aviation to support their activities in the territory and airspace of Somalia at altitudes below FL260. The FAA is clarifying the approval process for SFAR No. 107, § 91.1613, consistent with other recently published flight prohibition SFARs, as previously indicated. If a department, agency, or instrumentality of the U.S. Government determines it has a critical need to engage any person described in SFAR No. 107, § 91.1613, including a U.S. air carrier or commercial operator, to conduct a charter to transport civilian or military passengers or cargo, or other operations, in the territory and airspace of Somalia at altitudes below FL260, that department, agency, or instrumentality may request the FAA to approve persons described in SFAR No. 107, § 91.1613, to conduct such operations.

An approval request must be made directly by the requesting department, agency, or instrumentality of the U.S. Government to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality. The FAA will not accept or consider requests for approval from anyone other than the requesting department, agency, or instrumentality. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently positioned within the organization to demonstrate the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval and (2) ensure any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requests for approval must be submitted to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the proposed operations to commence.

The letter must be sent to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request the FAA notify it electronically as to whether the approval request is granted. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267–8166, to obtain the appropriate email address. A single letter may request approval from the FAA for multiple persons described in SFAR No. 107, § 91.1613, or for multiple flight operations. To the extent known, the letter must identify the person(s) expected to be covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality is seeking FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service to be provided by the person(s) covered by the SFAR;
- To the extent known, the specific locations in the territory and airspace of Somalia at altitudes below FL260 where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the territory and airspace of Somalia at altitudes below FL260 and the airports, airfields or landing zones at which the aircraft will take off and land; and
- The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or its prime contractor has a subcontract(s)) for specific flight operations in the territory and airspace of Somalia at altitudes below FL260. The requestor may identify additional operators to the FAA at any time after the FAA approval is issued. However, all additional operators must be identified to, and obtain an Operations Specification (OpSpec) or Letter of Authorization (LOA) from, the FAA, as appropriate, for operations in the territory and airspace of Somalia at altitudes below FL260, before such operators commence such operations. The approval conditions discussed below apply to any such additional operators. Updated lists should be sent to the email address to be obtained from the Air Transportation Division by calling (202) 267–8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspector Dale E. Roberts for instructions on submitting it to the FAA. His contact information is listed in the For Further Information Contact section of this final rule.

FAA approval of an operation under SFAR No. 107, § 91.1613, does not relieve persons subject to this SFAR of their responsibility to comply with all other applicable FAA rules and regulations. Operators of civil aircraft must comply with the conditions of their certificate, OpSpecs, and LOAs, as applicable. Operators must also comply with all rules and regulations of other U.S. Government departments or agencies that may apply to the proposed operation(s), including, but not limited to, regulations issued by the Transportation Security Administration.

B. Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety Organization will send an approval letter to the requesting department, agency, or instrumentality, informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the territory and airspace of Somalia at altitudes below FL260; and

(b) The operator's written agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in the territory and airspace of Somalia at altitudes below FL260.

(3) Other conditions the FAA may specify, including those that may be imposed in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443 of title 49, U.S. Code.

If the FAA approves the proposed operation(s), the FAA will issue an OpSpec or LOA, as applicable, to the operator(s) identified in the original request authorizing them to conduct the approved operation(s), and will notify the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter.

VI. Information Regarding Petitions for Exemption

Any operations not conducted under an approval the FAA issues through the approval process set forth previously must be conducted under an exemption from SFAR No. 107, § 91.1613. A petition for exemption must comply with 14 CFR part 11. The FAA will consider whether exceptional circumstances exist beyond those contemplated by the approval process described in the previous section. In addition to the information required by 14 CFR 11.81, at a minimum, the requestor must describe in its submission to the FAA—

- The proposed operation(s), including the nature of the operation;
- The service to be provided by the person(s) covered by the SFAR;
- The specific locations in the territory and airspace of Somalia at altitudes below FL260 where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the territory and airspace of Somalia at altitudes below FL260 and the airports, airfields or landing zones at which the aircraft will take off and land;
- The method by which the operator will obtain current threat information, and an explanation of how the operator will integrate this information into all phases of its proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases); and
- The plans and procedures the operator will use to minimize the risks, identified in this preamble, to the proposed operations, to establish that granting the exemption would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. The FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from flight prohibition SFARs.

Additionally, the release and agreement to indemnify, as referred to previously, are required as a condition of any exemption that may be issued under SFAR No. 107, § 91.1613.

The FAA recognizes that the operations that SFAR No. 107, § 91.1613, might affect could include operations planned for the governments of other countries with the support of the U.S. Government. While the FAA will not permit these operations through the approval process, the FAA will consider exemption requests for such operations on an expedited basis and prior to any private exemption requests.

If a petition for exemption includes security-sensitive or proprietary information, requestors may contact Aviation Safety Inspector Dale E. Roberts for instructions on submitting it to the FAA. His contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

VII. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39), as codified in 19 U.S.C. chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. chapter 25, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA has determined that this final rule has benefits that justify its costs. This rule is a significant regulatory action, as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order. As notice and comment under 5 U.S.C. 553 are not required for this final rule, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 regarding impacts on small entities are not required. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously.

A. Regulatory Evaluation

Due to the significant hazards to U.S. civil aviation described in the preamble of this rule, this rule continues to prohibit U.S. civil flights in the territory and airspace of Somalia at altitudes below FL260. The FAA believes there are very few U.S. operators who wish to overfly Somalia at altitudes below FL260 or operate to, from, or within Somalia due to the hazards to U.S. civil aviation described in the preamble to this final rule. The FAA receives few requests for approval or petitions for exemption to conduct flight operations in airspace managed by other countries in which the FAA has prohibited U.S. civil aviation from flying and expects that this pattern will hold true for this rule.

Consequently, the FAA estimates the costs of this rule to be minimal. These minimal costs are exceeded by the benefits of avoided deaths, injuries, and property damage that could result from a U.S. operator's aircraft being shot down (or otherwise damaged) while operating in the territory and airspace of Somalia at altitudes below FL260.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever an agency is required by 5 U.S.C. 553, or any other law, to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553, after being required by that section or any other law to publish a general notice of proposed rulemaking. The FAA found good cause to forgo notice

and comment and any delay in the effective date for this rule. As notice and comment under 5 U.S.C. 553 are not required in this situation, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 are similarly not required.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from hazards to their operations in the territory and airspace of Somalia at altitudes below FL 260, a location outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act of 1979.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA's policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation. The FAA finds that this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure that the FAA exercises its duties consistently with the obligations of the United States under international agreements.

While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition. In addition, foreign air carriers and other foreign operators may choose to avoid, or be advised or directed by their civil aviation authorities to avoid, airspace for which the FAA has issued a flight prohibition.

G. Environmental Analysis

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4, 1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114 because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 8–6(c), FAA has prepared a memorandum for the record stating the reason(s) for this determination; this memorandum has been placed in the docket for this rulemaking.

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609 and has determined that this action would have no effect on international regulatory cooperation.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of Executive Order 13771 (82 FR 9339, Feb. 3, 2017) because it is issued with respect to a national security function of the United States.

IX. Additional Information

A. Availability of Rulemaking Documents

An electronic copy of a rulemaking document may be obtained from the internet by—

- Searching the docket for this rulemaking at *https://www.regulations.gov;*
- Visiting the FAA's Regulations and Policies web page at *https://www.faa.gov/regulations_policies;* or
- Accessing the Government Publishing Office's website at *https://www.govinfo.gov.*

Copies may also be obtained by sending a request (identified by amendment or docket number of this rulemaking) to the Federal Aviation

Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

Except for classified material, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the docket for this rulemaking.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) (set forth as a note to 5 U.S.C. 601) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the persons listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Somalia.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. In § 91.1613, revise paragraphs (a)(3), (b), (c), and (e) to read as follows:

§ 91.1613 Special Federal Aviation Regulation No. 107—Prohibition Against Certain Flights in the Territory and Airspace of Somalia.

(a) * * *

(3) All operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier.

(b) *Flight prohibition.* Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the territory and airspace of Somalia at altitudes below Flight Level (FL) 260.

(c) *Permitted operations.* This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the territory and airspace of Somalia under the following circumstances:

(1) Overflights of Somalia may be conducted at or above FL260 subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Somalia.

(2) Flight operations may be conducted in the territory and airspace of Somalia at altitudes below FL260 if such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. Government (or under a subcontract between the prime contractor of the U.S. Government department, agency, or instrumentality and the person described in paragraph (a) of this section) with the approval of the FAA or under an exemption issued by the FAA. The FAA will consider requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. Government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

* * * * *

(e) *Expiration.* This SFAR will remain in effect until January 7, 2023. The FAA may amend, rescind, or extend this SFAR as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on December 4, 2019.

Steve Dickson,

Administrator.

[FR Doc. 2019–26597 Filed 12–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST–2016–0028]

RIN 2105–AE76

Maintenance of and Access to Records Pertaining to Individuals

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: On February 6, 2019, the U.S. Department of Transportation (DOT) issued a notice of proposed rulemaking requesting comment on proposed exemptions from the Privacy Act's requirement that individuals have access to certain records maintained within a system of records for the Department's Aviation Consumer Complaint Application Online System. This exemption is necessary to avoid disclosure of aviation compliance inquiry techniques, confidential information provided by air carriers and third parties, and prevent unwarranted invasions of individual privacy. This exemption also supports the Department's ability to obtain information relevant to resolving concerns related to an air carrier's compliance with the Department's consumer protection and civil rights requirements. The Department received two comments on this proposed rule. Upon consideration of the comments, the Department will finalize the proposed rule without change.

DATES: This final rule is effective December 11, 2019.

ADDRESSES: You may access docket number DOT–OST–2016–0028 by any of the following methods:

- *Federal Rulemaking Portal:* Go to *https://www.regulations.gov.*
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590 or *privacy@dot.gov* or (202) 366–8135.

SUPPLEMENTARY INFORMATION: DOT identifies a system of records that is exempt from one or more provisions of the Privacy Act (pursuant to 5 U.S.C. 552a(j) or (k)) both in the system of records notice published in the **Federal Register** for public comment and in an appendix to DOT's regulations implementing the Privacy Act (49 CFR part 10, appendix). This rule exempts records in the Aviation Consumer Complaint Application Online System from subsection (d) (Access to Records) of the Privacy Act to the extent that records consist of investigatory material compiled for law enforcement purposes in accordance with 5 U.S.C. 552a(k)(2).

DOT received two comments on the proposal. These comments were submitted by law students. One commenter, commenting anonymously, stated that she was commenting for a class assignment. While the commenter stated that he or she did not feel qualified to comment, the commenter expressed concern that the Department is tracking individuals who issue complaints against airlines. The commenter also asks that the Department ensure that any person who submits a complaint have access to the file in accordance with the Freedom of Information Act.

DOT's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings monitors compliance with and investigates violations of Federal law and regulations related to aviation economic, consumer protection, and civil rights requirements. The Aviation Consumer Protection Division is housed within this Office and is tasked with receiving complaints from the public regarding air carrier consumer issues, including complaints of unlawful discriminatory treatment in air travel by airline employees or contractors, and verifying air carriers' compliance with aviation consumer protection requirements. DOT maintains information about individuals who submit complaints so that DOT can appropriately address the complaint, including working with the complainant and air carrier to resolve the issue identified in the complaint and to follow up with the complainant for additional information or to inform the complainant of DOT's analysis of the issue. DOT does not ''track'' persons who issue complaints against airlines, but rather, uses information about the complainant to assist the complainant to resolve the complaint. Individuals who wish to complain, but are not seeking DOT assistance to address their complaint with the air carrier, may submit complaints anonymously. As the commentator noted, individuals may file a request under the Freedom of Information Act to obtain access to information about them that is maintained in this system of records.

The second comment is from two law students, who also wrote to express concern with the proposed rule. These students stated that they are concerned that the proposed exemption from the Privacy Act's access requirement creates an impediment to potential litigants right to discovery under the Federal Rules of Civil Procedure, and that DOT's discretion to disclose information notwithstanding the Privacy Act exemption does not assuage their concern. The commenters state further that the rule does not serve DOT's interest in supporting DOT's ability to conduct investigations, and undermines the public's right of access to information. The commenters are concerned that the proposal would preclude individuals from being informed consumers by shielding from the public information about patterns of impermissible behavior by airlines.

The Privacy Act, among other things, requires that Federal agencies provide individuals with access to information about themselves that is maintained by the agency in a system of records. Individuals who request information about themselves maintained in a system of records are sometimes referred to as ''first party requesters.'' Under the Privacy Act, a system of records is information about an individual that includes that individuals name or other identifying particular assigned to the individual, such as a photograph, that is retrieved by the agency by that individual's name or other identifier assigned to the individual.

The Aviation Consumer Complaint Application Online System is a system of records that consists primarily of information provided by the individual who submitted a complaint. It also includes information provided by the air carrier identified in the consumer complaint that is provided to DOT as part of DOT's efforts to help assess and resolve the consumer complaint. In the course of responding to a consumer complaint, air carriers sometimes provide DOT with information that can include identifying information about the air carrier's employees and third parties, or confidential business information. Air carriers provide this information to the DOT voluntarily, and it aids DOT's efforts to resolve particular consumer complaints. If DOT could not protect from a first party requester the identities of third parties or an air carrier's confidential business information provided by an air carrier in the course of responding to a complaint, it would impair DOT's ability to adequately assess and respond to a consumer complaint on behalf of the consumer. Notwithstanding the proposed exemption from the Privacy Act, first party requesters are still entitled to information maintained in this system of records to the full extent required by the Freedom of Information Act. With respect to the commenter's concern about discovery for litigation purposes, this proposed exemption does not limit a private litigant's ability to seek discovery directly from an air carrier. Nor does it restrict access to information from this system, or other agency records that are not part of this system of records, under the Freedom of Information Act. This exemption also does not restrict access that is otherwise provided for under the Privacy Act, which includes disclosures pursuant to court order.

The commenters express particular concern about information demonstrating a pattern of unlawful conduct by an air carrier. The Department agrees that this is valuable information for consumers and publishes information about consumer complaints and other airline compliance requirements, such as flight delays; mishandled baggage, wheelchairs, and scooters; oversales; reports of lost, injured or death of animals in air transportation; and customer service reports to the Transportation Security Administration, on its website at *https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports.* DOT also posts all of the enforcement orders the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings has issued against air carriers on its website at *https://transportation.gov/airconsumer/enforcementorders.* The public may obtain additional information about air carriers under the Freedom of Information Act.

After consideration of the comments, the Department will finalize the proposed rule without change. This rule is necessary to protect the identity of confidential informants and confidential business information provided by air carriers, and protect the DOT's investigatory techniques. DOT will continue to provide individuals with access to information maintained in this system under the Freedom of Information Act, and under the Privacy Act, except to the extent that disclosure would reveal confidential informants, confidential business information, or reveal DOT's investigatory techniques.

Regulatory Analysis and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

DOT considered the impact of this rulemaking action under Executive Orders 12866 and 13563 (January 18, 2011, ''Improving Regulation and Regulatory Review''), and DOT Order 2100.6, ''Policies and Procedures for Rulemakings.'' DOT has determined that this action will not constitute a significant regulatory action within the meaning of Executive Order 12866 and within the meaning of DOT regulatory policies and procedures. This rulemaking has not been reviewed by the Office of Management and Budget. This rulemaking will not result in any costs. Since these records would be exempt from certain provisions of the Privacy Act, DOT would not have to expend any funds in order to administer those aspects of the Act.

B. Regulatory Flexibility Act

DOT has evaluated the effect these changes will have on small entities and does not believe that this rulemaking will impose any costs on small entities because the reporting requirements themselves are not changed and because the rule applies only to information on individuals that is maintained by the Federal Government or that is already publicly available. Therefore, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

C. National Environmental Policy Act

DOT has analyzed the environmental impacts of this final action pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 3.c.5 of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action is covered by the categorical exclusion listed in the Federal Highway Administration's implementing procedures, ''[p]romulgation of rules, regulations, and directives.'' 23 CFR 771.117(c)(20). The purpose of this rulemaking is to amend the Appendix to DOT's Privacy Act regulations. The Department does not anticipate any environmental impacts and there are no extraordinary circumstances present in connection with this rulemaking.

D. Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, Federalism, dated August 4, 1999, and it has been determined that it will not have a substantial direct effect on, or sufficient Federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the preparation of a Federalism Assessment is not necessary.

E. Executive Order 13084 (Consultation and Coordination With Indian Tribal Governments)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because it would not have any effect Indian Tribal Governments, the funding and consultation requirements of Executive Order 13084 do not apply.

F. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. DOT has determined that this action does not contain a collection of information requirement for the purposes of the PRA.

G. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, 109 Stat. 48, March 22, 1995) requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. The UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty, imposed on any State, local, or tribal Government; or the private sector. If any Federal mandate causes those entities to spend, in aggregate, $143.1 million or more in any one year (adjusted for inflation), an UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments; or the private sector.

H. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under E.O. 12866.

I. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of lnformation and Regulatory Affairs designated this rule as not a 'major rule', as defined by 5 U.S.C. 804(2).

List of Subjects in 49 CFR Part 10

Penalties, Privacy.

In consideration of the foregoing, DOT amends part 10 of title 49, Code of Federal Regulations, as follows:

PART 10—MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

■ 2. Amend Part II of appendix A by adding section H to read as follows:

Appendix A to Part 10—Exemptions

Part II. Specific Exemptions

* * * * *

H. The following systems of records are exempt from subsection (d) (Access to Records) of the Privacy Act, 5 U.S.C. 552a, to the extent that they contain investigatory material compiled for law enforcement purposes, in accordance with 5 U.S.C. 552a(k)(2):

1. Aviation Consumer Complaint Appropriation System, maintained by the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings in the Office of the Secretary (DOT/OST 102).

This exemption is justified because granting an individual access to investigatory records could interfere with the overall law enforcement process by revealing a sensitive investigative technique, or confidential sources or information.

Issued in Washington, DC, on December 4, 2019.

Elaine L. Chao,

Secretary.

[FR Doc. 2019–26668 Filed 12–10–19; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No.100812345–2142–03; RTID 0648–XS018]

Snapper-Grouper Fishery of the South Atlantic; 2019 Recreational Accountability Measure and Closure for the South Atlantic Deep-Water Complex

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational sector for the snapper-grouper deep-water complex (yellowedge grouper, silk snapper, misty grouper, queen snapper, sand tilefish, and blackfin snapper) in the South Atlantic for the 2019 fishing year through this temporary rule. NMFS has determined that recreational landings of the deep-water complex have exceeded the recreational annual catch limit (ACL). Therefore, NMFS closes the recreational sector for this complex on December 11, 2019, through the remainder of the 2019 fishing year in the exclusive economic zone (EEZ) of the South Atlantic. This closure is necessary to protect the species in the deep-water complex.

DATES: This rule is effective 12:01 a.m., local time, December 11, 2019, until 12:01 a.m., local time, January 1, 2020.

FOR FURTHER INFORMATION, CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *frank.helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes the deep-water complex, which includes yellowedge grouper, silk snapper, misty grouper, queen snapper, sand tilefish, and blackfin snapper, and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The recreational ACL for the deep-water complex is 38,628 lb (17,521 kg), round weight. Under 50 CFR 622.193(h)(2)(i), NMFS is required to close the recreational sector for the deep-water complex when the recreational ACL has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register, unless NMFS determines that no closure is necessary based on the best scientific information available. NMFS has determined that the recreational sector has exceeded the ACL for this complex. Therefore, this temporary rule implements an AM to close the recreational sector for the deep-water complex in the South Atlantic EEZ, effective 12:01 a.m., local time, December 11, 2019, until January 1, 2020, the start of the next fishing year.

During the recreational closure, the bag and possession limits for the fish in the deep-water complex in or from the South Atlantic EEZ are zero. Therefore, as of 12:01 a.m. on December 11, 2019, no recreational harvest of fish in the deep-water complex from the South Atlantic EEZ is allowed for the remainder of the 2019 fishing year.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the deep-water complex, a component of the South Atlantic snapper-grouper fishery, and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(h)(2)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and public comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the recreational sector for the deep-water complex constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the AM itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect the deep-water complex. Prior notice and opportunity for public comment would require time and would potentially allow the recreational sector to further exceed its ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 5, 2019.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–26640 Filed 12–6–19; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 191204–0101]

RIN 0648–BI99

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Seabird Bycatch Avoidance Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule requires commercial groundfish bottom longline vessels 26 feet (7.9 meters (m)) length overall and longer managed under the Pacific Coast Groundfish Fishery Management Plan to use streamer lines while setting gear or to set gear between civil dusk and civil dawn (night set) when fishing in Federal waters north of 36° North latitude. The action is necessary to fulfill terms and conditions of a 2017 United States Fish and Wildlife Service Biological Opinion to minimize incidental take of Endangered Species Act-listed short-tailed albatross (*Phoebastria albatrus*) by vessels in the Pacific Coast groundfish fishery. This rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Pacific Coast Groundfish Fishery Management Plan, and other applicable laws, including the Endangered Species Act.

DATES: This final rule is effective January 10, 2020.

ADDRESSES: Electronic copies of supporting documents referenced in this final rule, including a Regulatory Impact Review/Initial Regulatory Flexibility

Analysis (Analysis), which addresses the statutory requirements of the Magnuson-Stevens Fishery Conservation and Management Act, Presidential Executive Order 12866, and the Regulatory Flexibility Act are available at the NMFS West Coast Region website at *https://www.fisheries.noaa.gov/species/west-coast-groundfish* and at the Pacific Fishery Management Council's website at *http://www.pcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Keeley Kent, phone: 206–526–4655, or email: *keeley.kent@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The purpose of this rule is to reduce interactions between seabirds, especially Endangered Species Act-listed species, and groundfish longline gear. Longline vessels fishing under the Pacific Coast Groundfish Fishery Management Plan (FMP) interact with short-tailed albatross, which are listed as endangered under the Endangered Species Act (ESA). A 2012 U.S. Fish and Wildlife Service (USFWS) Biological Opinion on the continued operation of the Pacific Coast groundfish fishery required vessels 55 feet (ft) (16.8 m) and longer length overall (LOA) using bottom longline gear (as defined in 50 CFR 660.11) to use streamer lines (80 FR 71975; November 18, 2015) to reduce seabird interactions. Smaller vessels were not included in the requirement. However, research since then has shown that vessel size is not a limiting factor on seabird interactions (USFWS Biological Opinion 2017).

In 2015, the Pacific Fishery Management Council's (Council) Groundfish Endangered Species Act Workgroup estimated that incidental take of short-tailed albatross in groundfish longline fisheries exceeded the incidental take level allowed in the 2012 Biological Opinion (Section 1.2 of the Analysis). Thus, NMFS reinitiated consultation in 2016 with the USFWS pursuant to Section 7 of the ESA. On May 2, 2017, USFWS published its new Biological Opinion on the fishery. The Incidental Take Statement (ITS) in the 2017 Biological Opinion lists nondiscretionary terms and conditions, one of which requires NMFS to amend the fishery regulations to require vessels fishing for groundfish in Federal waters that use longline gear to:

(i) Employ streamer lines in the commercial longline fishery of the Pacific Coast Ground Fishery consistent with the Alaska streamer line regulations for Federal waters, including the use of single streamer lines on boats 26–55 feet (7.9–16.8 m) in length, or

(ii) Set longlines after civil sunset.

The ITS requires that NMFS implement these regulation changes as soon as practical, but initiation of implementation shall not exceed a three-year period after the date of the Biological Opinion.

The Council evaluated the requirements of the ITS and analyzed an action to amend the regulations implementing the FMP to address seabird bycatch in the fishery at its November 2018, April 2019, and June 2019 meetings. The Council recommended a preferred alternative at its April 2019 meeting and took final action in June 2019. The Council deemed the proposed regulations consistent with and necessary to implement the changes to the Seabird Avoidance Program in an August 15, 2019, letter from Council Chairman Phil Anderson to Regional Administrator Barry Thom. Additional discussion of the background and rationale for the Council's development of changes to the Seabird Avoidance Program regulations is included in the proposed rule (84 FR 48094; September 12, 2019) and is not repeated here. Detailed information, including the supporting documentation the Council considered while developing these recommendations, is available at the Council's website, *www.pcouncil.org.*

Seabird Bycatch Avoidance Measures

This rule amends the Seabird Avoidance Program regulations for the Pacific Coast groundfish fishery at 50 CFR 660.21 to implement the requirements of the 2017 USFWS Biological Opinion. This rule extends the streamer line requirements previously in place for vessels greater than or equal to 55 ft (16.8 m) LOA to vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA using bottom longline gear, as defined under 50 CFR 660.11, when fishing north of 36° N latitude. This rule also exempts all Pacific coast groundfish vessels subject to seabird avoidance requirements from streamer line requirements when night setting and exempts vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA from using streamer lines when a National Weather Service (NWS) Small Craft Advisory for Winds is declared. This section describes the types of gear used in the fishery and the expanded seabird bycatch avoidance measures and exemptions.

The Council recommended, and NMFS is implementing, an exemption for vessels fishing south of 36° N latitude due to the rare presence of short-tailed albatross in this area, and as a result, decreased likelihood of interaction with fishing gear. This exemption applies to all sizes of vessels; therefore, it creates a new exemption for the vessels greater than or equal to 55 ft (16.8 m) LOA that have been subject to streamer line requirements since 2015.

Bottom longline gear includes snap gear, which is a variant of this gear type in which the gangion and hook are attached to the groundline by means of a mechanical fastener or snap, usually during gear deployment. Because vessel operators may snap the gangion and hook to the groundline during deployment, this gear configuration often means that vessels deploy the gear at a slower speed than standard bottom longline gear. This rule requires a different streamer line configuration for vessels using snap gear that are greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA to accommodate the slower snap gear deployment speed and is consistent with the existing regulations for vessels greater than or equal to 55 ft (16.8 m) LOA.

A portion of the vessels participating in this fishery use a variant of bottom longline gear where floats are attached to the mainline at the midpoint between the weights that sink the gear to the seafloor. The floats elevate the mainline off the seafloor to minimize depredation by ''sea lice'' (isopods) and hagfish, which can occur when baited hooks are immobile on the seafloor. While the floats elevate the mainline, this gear is still predominantly in contact with the seafloor, and therefore is categorized as bottom longline gear as opposed to pelagic longline gear. Because of the slower sink rate of floated longline gear, streamer lines are less effective in minimizing seabird bycatch. With floated gear, that portion of the longline adjacent to the float is exposed to seabird attacks well beyond the extent of the streamer lines. Due to safety concerns, difficulty in assessing the number of vessels using floated longline gear because of data limitations, and concerns about the burden such a requirement would place on vessels that may typically only conduct day trips, the Council did not include special requirements for floated mainline gear at this time. However, we acknowledge that there are concerns with the effectiveness of streamer lines for reducing seabird interactions for floated mainline gear. NMFS intends to pursue further research on this issue and to fulfill the terms and conditions of the 2017 Biological Opinion, which directs NMFS to conduct research that

investigates new or improved methods of reducing bycatch of short-tailed albatross that are safe and effective within the longline fishery. Additional discussion of NMFS and Council consideration of this gear subtype is included in the proposed rule (84 FR 48094; September 12, 2019) and is not repeated here.

This rule requires the following configurations of streamer lines for vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA.

Vessels with mast, poles, and rigging and not using snap gear would be required to use a single streamer line while setting gear. The single streamer line must:

1. Be a minimum of 300 ft (91.4 m) in length;

2. Have streamers spaced every 16.4 ft (5 m);

3. Be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water;

4. Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind;

5. Have at least eight streamers out of the water aft of the vessel; and

6. Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch (9.5 millimeters (mm)) polyester line or material of an equivalent density.

Vessels with mast, poles, and rigging and using snap gear must use a single streamer line while setting gear. The single streamer line must:

1. Be a minimum of 147.6 ft (45 m) in length;

2. Have streamers spaced every 16.4 ft (5 m);

3. Be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 65.6 ft (20 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water;

4. Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind;

5. Have at least four streamers out of the water aft of the vessel; and

6. Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch (9.5 mm) polyester line or material of an equivalent density.

Vessels without mast, poles, and rigging must use at least one buoy bag line while setting gear:

1. A buoy bag line consists of two components: A length of line (without streamers attached) and one or more float devices at the terminal end.

2. Have a buoy bag line that hangs over the area where baited hooks may be accessible to seabirds, which is generally within 6.5 feet (2 m) of the sea surface.

This rule exempts all Pacific coast groundfish vessels subject to seabird avoidance requirements from streamer line requirements when night setting. In the rule, we define night setting as deployment of gear between civil dusk (defined as one hour after local sunset) and civil dawn (defined as one hour before local sunrise). This exemption applies to all sizes of vessels and therefore creates a new exemption for the vessels greater than or equal to 55 ft (16.8 m) LOA that have been subject to streamer line requirements since 2015.

Finally, this rule includes weather safety exemptions due to the risk of entanglement of streamer lines in fishing gear in high winds. In addition to the existing weather safety exemptions for vessels greater than or equal to 55 ft (16.8 m) LOA, this rule includes a weather safety exemption for vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA when fishing in an area under a NWS Small Craft Advisory for winds (winds 21 to 33 knots) or in an area seaward of such an area.

Comments and Responses

NMFS solicited public comment on the proposed seabird avoidance measures (84 FR 48094, September 12, 2019). The comment period ended October 15, 2019. NMFS received two comment letters: One from the National Audubon Society on behalf of five organizations and the other from a private citizen. The comment letters raise similar issues regarding the potential need for additional NMFS actions. The letters are available in their entirety from NMFS (see **ADDRESSES**) or at the following web address: *https://www.regulations.gov/docket?D=NOAA-NMFS-2019-0063.*

Comment 1: The proposed regulations do not address the bycatch issue posed by pelagic (non-bottom) longline fishing. NMFS should consider extending the requirement for streamer lines to all forms of longline fishing.

Response: This comment is outside the scope of this action. As noted earlier in this preamble in the ''Seabird Bycatch Avoidance Measures'' section, this rule applies to bottom longline gear, which includes floated longline gear. The West Coast groundfish fishery does not use pelagic longlines. Pelagic longline gear is used in the West Coast Highly Migratory Species fishery to target tuna, swordfish, and other billfish. More information about the West Coast Highly Migratory Species fishery can be found at *https://www.fisheries.noaa.gov/management-plan/west-coast-highly-migratory-species-management-plan.*

Comment 2: The proposed rule does not reflect the direction in the Council's motion to develop enforceable floated mainline gear configurations that can sink within the streamer line zone to reduce seabird interactions.

Response: As discussed in the proposed rule and elsewhere in this final rule, the Council acknowledged concerns with the effectiveness of streamer lines for reducing seabird interactions for floated mainline gear and requested NMFS and the industry collaborate on research on strategies to modify floated mainline gear so that streamer lines are more effective, or adjust the configuration of streamer lines to make them more effective for floated mainline gear. NMFS intends to pursue further research both to meet the Council's recommendation and to fulfill the terms and conditions of the 2017 Biological Opinion, which directs NMFS to conduct research that investigates new or improved methods of reducing bycatch of short-tailed albatross that are safe and effective within the longline fishery. This term and condition also specifically notes that NMFS should pursue research on the effect of floating gear on short-tailed albatross bycatch and improved methods to minimize risk of bycatch.

Comment 3: There was no mention of penalties for failure to comply with the requirements of the regulation. To be effective, this regulation should have some indication of how compliance will be measured and whether, if any, penalties exist for noncompliance.

Response: The proposed rule described the general requirements, as well as the gear requirements and performance standards that apply to vessel operators. The requirements and standards of the seabird avoidance program are enforceable under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The enforcement policy and penalties of the Magnuson-Stevens Act are described in the Code of Federal Regulations (50 CFR parts 600.735 and 600.740).

Comment 4: The proposed rule fails to acknowledge the Council's motion to account for current uncertainties and future changes to the overlap of short-tailed albatrosses and fleet effort. In its final rule, NMFS must acknowledge the Council's motion, and include tasks and

timeline for NMFS to review and report back to the Council on short-tailed albatross telemetry or observer data south of 36° N latitude.

Response: The Council and NMFS will revisit the exemption for vessels fishing south of 36° N latitude as new data become available. The appropriate venue for this analysis is the Council's Groundfish Endangered Species Workgroup, which meets at least biennially. The Groundfish Endangered Species Workgroup includes five NMFS employees with expertise in marine mammals, fish, sea turtles, and seabirds. NMFS intends to ensure new data on any changes to the overlap of short-tailed albatrosses and fleet effort is incorporated into the ESA Workgroup's analysis and therefore made available to the Council and NMFS for further consideration. The Council's Groundfish Endangered Species Workgroup biennially reviews bycatch estimates for certain ESA-listed species taken in the fishery, including short-tailed albatross. The Workgroup can make recommendations to the Council on data collection or management actions necessary to evaluate or minimize incidental take of these species in the groundfish fishery. The Council can then choose to further analyze and develop these recommendations for implementation in the groundfish fishery.

Changes From the Proposed Rule

There is one non-substantive change to the regulations implemented in this final rule from those in the proposed rule. NMFS determined that additional regulatory changes were required to effectuate the purpose and intent described in the proposed rule. Specifically, additional regulatory changes were needed to clarify implementation of the terms and conditions of the 2017 USFWS Biological Opinion regarding reporting and handling requirements for short-tailed albatross. The regulations in the proposed rule clarified the reporting and handling requirements for short-tailed albatross for vessels in the bottom longline fishery consistent with the 2017 Biological Opinion. This final rule modifies existing regulations at §§ 660.140(g)(1) and (g)(3)(ii)(B) and 660.604(p)(1)(ii) to ensure consistency for the reporting and handling requirements regarding short-tailed albatross for vessels in the Pacific Coast groundfish fishery. This change in the regulations clarifies that vessels using trawl gear while fishing under the Pacific Coast groundfish FMP follow the handling and reporting requirements for injured or dead short-tailed albatross as detailed in § 660.21(c)(1)(v). The requirement that NMFS disseminate short-tailed albatross disposition instructions for fishers and observers in the Pacific Coast groundfish fishery has been in place since the 2012 Biological Opinion completed by the USFWS; the change in regulations in this final rule would clarify that those instructions also apply to trawl vessels. This change from the proposed rule is not substantive, has no on-the-water effects, and will reduce potential confusion regarding handling and reporting requirements for short-tailed albatross.

Classification

Pursuant to sections 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

NMFS prepared a final regulatory flexibility analysis (FRFA) under section 604 of the Regulatory Flexibility Act (RFA), which incorporates the initial regulatory flexibility analysis (IRFA). A summary of any significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, and a summary of the analyses completed to support the action are addressed below. NMFS also prepared a Regulatory Impact Review (RIR) for this action. A copy of the RIR is available from NMFS (see **ADDRESSES**), and per the requirements of 5 U.S.C. 604(a), the text of the FRFA follows:

Final Regulatory Flexibility Analysis

As applicable, section 604 of the Regulatory Flexibility Act (RFA) requires an agency to prepare a final regulatory flexibility analysis (FRFA) after being required by that section or any other law to publish a general notice of proposed rulemaking and when an agency promulgates a final rule under section 553 of Title 5 of the U.S. Code. The following paragraphs constitute the FRFA for this action.

This FRFA incorporates the Initial Regulatory Flexibility Analysis (IRFA), a summary of any significant issues raised by the public comments, NMFS's responses to those comments, and a summary of the analyses completed to support the action. Analytical requirements for the FRFA are described in the RFA, section 604(a)(1) through (6). FRFAs contain:

1. A statement of the need for, and objectives of, the rule;

2. A statement of the significant issues raised by the public comments in response to the IRFA, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

3. The response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;

4. A description and an estimate of the number of small entities to which the rule will apply, or an explanation of why no such estimate is available;

5. A description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

6. A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

The ''universe'' of entities to be considered in a FRFA generally includes only those small entities that can reasonably be expected to be directly regulated by the action. If the effects of the rule fall primarily on a distinct segment of the industry, or portion thereof (*e.g.,* user group, gear type, geographic area), that segment will be considered the universe for purposes of this analysis.

In preparing a FRFA, an agency may provide either a quantifiable or numerical description of the effects of a rule (and alternatives to the rule), or more general descriptive statements, if quantification is not practicable or reliable.

Need for and Objective of This Final Rule

The need for and objective of this final rule is described above in the Background section of the preamble and not repeated here.

Summary of Significant Issues Raised During Public Comment

NMFS published a proposed rule to modify the Seabird Avoidance Program for the West Coast groundfish fishery on September 12, 2019 (84 FR 48094). An IRFA was prepared and summarized in

the Classification section of the preamble to the proposed rule. The comment period on the proposed rule ended on October 15, 2019. NMFS received two comment letters on the proposed rule. No comments were received specific to the IRFA. The Chief Counsel for Advocacy of the SBA did not file any comments on the IRFA or the proposed rule.

A Description and an Estimate of the Number of Small Entities to Which the Rule Will Apply

The RFA (5 U.S.C. 601 *et seq.*) requires government agencies to assess the effects that regulatory alternatives would have on small entities, defined as any business/organization independently owned and operated and not dominant in its field of operation (including its affiliates). A small harvesting business has combined annual receipts of $11 million or less for all affiliated operations worldwide. A small fish-processing business is one that employs 750 or fewer persons for all affiliated operations worldwide.

For marinas and charter/party boats, a small business is one that has annual receipts not in excess of $7.5 million. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. A nonprofit organization is determined to be ''not dominant in its field of operation'' if it is considered small under one of the following Small Business Administration (SBA) size standards: Environmental, conservation, or professional organizations are considered small if they have combined annual receipts of $15 million or less, and other organizations are considered small if they have combined annual receipts of $7.5 million or less.

The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

This rule would directly affect groundfish longline vessels. These vessels are defined as small entities based on the criteria provided above. Baseline information reported in Section 3.5.2 of the Analysis suggests that as many as 387 of such vessels greater than or equal to 26 ft (7.9 m) and less than 55 ft (16.8 m) LOA could be subject to the requirement to use streamer lines or set gear at night. An additional 37 vessels greater than or equal to 55 ft (16.8 m) LOA could be subject to elements of the rule (area exemptions south of 36° N latitude, night setting option) and also qualify as small entities. These counts are the maximum estimate, as vessels move in and out of the fishery between years.

There is not a strict one-to-one correlation between vessels and entities; some persons or firms likely have ownership interests in more than one vessel. Furthermore, as discussed in Section 3.5.4 of the Analysis, most of these vessels had a relatively low level of participation in the fishery during the baseline period, although in principal any level of participation would trigger seabird avoidance requirements (streamer line use, night setting). Given these factors, the actual number of entities regulated by this action could be lower than the preceding estimates.

Recordkeeping, Reporting, and Other Compliance Requirements

There are no reporting or record-keeping requirements with this final rule. All longline vessels, whether classified as small or not, will be subject to new compliance requirements under this final rule to either use streamer lines or night set in order to reduce seabird interactions.

Description of Significant Alternatives to This Final Rule That Minimize Economic Impacts on Small Entities

There are no significant alternatives to this final rule that would accomplish the stated objectives in a way that would reduce economic impacts of the final rule on small entities. This action responds to a non-discretionary term and condition in the 2017 USFWS Biological Opinion, which specifies the seabird avoidance measures that must be implemented to reduce the risk of incidental take of short-tailed albatross. For that reason, there are no significant alternatives to the action evaluated in this FRFA.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the West Coast Regional Office (see **ADDRESSES**), and the guide will be included in a public notice sent to all members of the groundfish email group. To sign-up for the groundfish email group, click on the ''subscribe'' link on the following website: *https://www.fisheries.noaa.gov/species/west-coast-groundfish#commercial.* The guide and this final rule will also be available on the West Coast Region's website (see **ADDRESSES**) and upon request.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 4, 2019.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.21, revise paragraphs (b) introductory text, (b)(1), and (c)(1) through (3) to read as follows:

§ 660.21 Seabird Avoidance Program.

* * * * *

(b) *Applicability.* The requirements specified in paragraph (c) of this section apply to the following fishing vessels when operating within the EEZ north of 36° N latitude:

(1) Vessels greater than or equal to 26 ft (7.9 m) LOA engaged in commercial fishing for groundfish with bottom longline gear, including snap gear, as defined under ''Fishing gear'' in § 660.11, including those operating under the gear switching provisions of the Limited Entry Trawl Fishery, Shorebased IFQ Program as specified in § 660.140(k), or those operating under the limited entry fixed gear fishery in subpart E or under the open access fishery in subpart F of this part, except as provided in paragraphs (b)(2) of this section.

* * * * *

(c) * * *

(1) *General requirements.* The operator of a vessel described in paragraph (b)(1) of this section must comply with the following requirements, unless operating under the provisions of paragraph (c)(3) of this section:

(i) Gear onboard. Have onboard the vessel seabird avoidance gear meeting the material standards specified in

paragraph (c)(1)(iv) of this section and in accordance to the vessel size and gear type specific requirements as specified in paragraph (c)(2) of this section.

(ii) Gear inspection. Upon request by an authorized officer or observer, make the seabird avoidance gear available for inspection.

(iii) Gear use. Use seabird avoidance gear as specified in paragraph (c)(2) of this section that meets the material standards specified in paragraph (c)(1)(iv) of this section while bottom longline and snap gears are being deployed.

(iv) Material standards for all streamer lines. All streamer lines must:

(A) Have streamers spaced every 16.4 ft (5 m).

(B) Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind.

(C) Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch (9.5 mm) polyester line or material of an equivalent density.

(v) Handling of hooked short-tailed albatross. If a short-tailed albatross is hooked or entangled by a vessel, owners and operators must ensure that the following actions are taken:

(A) Stop the vessel to reduce the tension on the line and bring the bird on board the vessel using a dip net;

(B) Determine if the bird is alive or dead.

(C) If alive, follow these instructions:

(*1*) Cover the bird with a towel to protect its feathers from oils or damage while being handled;

(*2*) Remove any entangled lines or hooks from the bird without further injuring the bird;

(*3*) Place the bird in a safe enclosed place;

(*4*) If the hook has been ingested or is inaccessible, keep the bird in a safe, enclosed place and submit it to NMFS or the U.S. Fish and Wildlife Service immediately upon the vessel's return to port. Do not give the bird food or water.

(*5)* Assess whether the bird meets the following criteria for release:

(*i*) Able to hold its head erect and respond to noise and motion stimuli;

(*ii*) Able to breathe without noise;

(*iii*) Capable of flapping and retracting both wings to normal folded position on its back;

(*iv*) Able to stand on both feet with toes pointed forward; and

(*v*) Feathers are dry.

(*6*) If bird does not meet criteria for release:

(*i*) Immediately contact NMFS or the U.S. Fish and Wildlife Service at the numbers listed on the West Coast Seabird Avoidance Measures flyer and request veterinary guidance;

(*ii*) Follow the veterinary guidance regarding the handling and release of the bird.

(D) If dead, freeze the bird immediately with an identification tag attached directly to the specimen listing the species, location and date of mortality, and band number if the bird has a leg band. Attach a duplicate identification tag to the bag or container holding the bird. Any leg bands present must remain on the bird. Contact NMFS or the U.S. Fish and Wildlife Service at the numbers listed on the West Coast Seabird Avoidance Measures flyer, inform them that you have a dead short-tailed albatross on board, and submit the bird to NMFS or the U.S. Fish and Wildlife Service within 72 hours following completion of the fishing trip.

(E) All incidents involving the hooking of short-tailed albatross must be reported to U.S. Fish and Wildlife Service Law Enforcement by the vessel operator within 72 hours of taking an albatross by phoning 360–753–7764 (WA); 503–682–6131 (OR); or 916–414–6660 (CA).

(F) If a NMFS observer is on board at the time of a hooking event, the observer shall be responsible for the disposition of any captured short-tailed albatross and for reporting to U.S. Fish and Wildlife Service Law Enforcement. Otherwise, the vessel operator shall be responsible.

(2) *Gear requirements and performance standards.* The operator of a vessel identified in paragraph (b)(1) of this section must comply with the following gear requirements:

(i) For vessels with masts, poles, or rigging using snap gear as defined at § 660.11, the following requirements apply:

(A) Vessels must deploy a minimum of a single streamer line in accordance with the requirements of paragraphs (c)(1)(iv) of this section, except as provided in paragraph (c)(2)(iv) of this section.

(B) Streamer lines must be a minimum length of 147.6 ft (45 m).

(C) Streamer lines must be deployed so that streamers are in the air a minimum of 65.6 ft (20 m) aft of the stern and within 6 ft 7 in (2 m) horizontally of the point where the main groundline enters the water before the first hook is set. A minimum of 4 streamers must be out of the water aft of the stern.

(ii) For vessels with masts, poles, or rigging using bottom longline other than snap gear, as defined in paragraph (6)(i) of the definition of fishing gear in § 660.11, the following requirements apply:

(A) Streamer lines must be a minimum length of 300 feet (91.4 m).

(B) The number of streamer lines required and the streamer line deployment requirements vary by vessel length as follows:

(*1*) Vessels greater than or equal to 26 feet (7.9 m) and less than 55 feet (16.8 m) LOA must use a minimum of one streamer line. Streamer line must be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water. A minimum of 8 streamers must be out of the water aft of the stern.

(*2*) Vessels greater than or equal to 55 feet (16.8 m) LOA must use paired streamer lines. At least one streamer line must be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water. A minimum of 8 streamers must be out of the water aft of the stern. The second streamer line must be deployed within 90 seconds thereafter.

(*i*) For vessels deploying gear from the stern, the streamer lines must be deployed from the stern, one on each side of the main groundline.

(*ii*) For vessels deploying gear from the side, the streamer lines must be deployed from the stern, one over the main groundline and the other on one side of the main groundline.

(iii) Vessels without masts, poles, or rigging. A minimum of 1 buoy bag line must be used by vessels without superstructure, including masts, poles, or rigging. The buoy bag line must hang over the area where baited hooks may be accessible to seabirds, which is generally within 6.5 feet (2 m) of the sea surface.

(iv) The following weather safety exemptions apply, based on vessel length:

(A) Vessels greater than or equal to 26 feet (7.9 m) and less than 55 feet (16.8 m) LOA are exempted from the requirements of paragraph (c)(1)(iii) of this section when a National Weather Service Small Craft Advisory for Winds is in effect, or other National Weather Service Advisory for wind speeds exceeding those that trigger a Small Craft Advisory for Winds. This exemption applies only during the time and within the area indicated in the National Weather Service Weather Advisory or in an area seaward of such an area.

(B) Vessels 55 feet and longer (16.8 m) LOA are exempted from the requirements of paragraph (c)(1)(iii) of this section when a National Weather Service Gale Warning is in effect. This exemption applies only during the time and within the area indicated in the National Weather Service Gale Warning.

(3) *Night setting.* The operator of a vessel described in paragraph (b)(1) of this section, that begins and completes deployment of gear between one hour after local sunset and one hour before local sunrise is exempt from the provisions of paragraphs (c)(1) and (2) of this section.

■ 3. In § 660.140, revise paragraphs (g)(1) and (g)(3)(ii)(B) to read as follows:

§ 660.140 Shorebased IFQ Program.

* * * * *

(g) * * *

(1) *General.* Shorebased IFQ Program vessels may discard IFQ species/species groups, provided such discards are accounted for and deducted from QP in the vessel account. With the exception of vessels on a declared Pacific whiting IFQ trip and engaged in maximized retention, and vessels fishing under a valid EM Authorization in accordance with § 660.604 of subpart J, prohibited and protected species (except short-tailed albatross as directed by § 660.21(c)(1)(v)) must be discarded at sea; Pacific halibut must be discarded as soon as practicable and the discard mortality must be accounted for and deducted from IBQ pounds in the vessel account. Non-IFQ species and non-groundfish species may be discarded at sea, unless otherwise required by EM Program requirements at § 660.604 of subpart J. The sorting of catch, the weighing and discarding of any IBQ and IFQ species, and the retention of IFQ species must be monitored by the observer or EM system.

* * * * *

(3) * * *

(ii) * * *

(B) *Seabirds, marine mammals, and sea turtles.* Short-tailed albatross must be reported as soon as possible and directions for surrendering must be followed as directed by § 660.21(c)(1)(v). Marine mammals and sea turtles must be reported to NMFS as soon as possible (206–526–6550) and directions for surrendering or disposal must be followed. Whole body specimens must be labeled with the vessel name, electronic fish ticket number, and date of landing. Whole body specimens must be kept frozen or on ice until arrangements for surrendering or disposing are completed. Unless directed otherwise, after reporting is completed, seabirds, marine mammals, and sea turtles may be disposed by incinerating, rendering, composting, or returning the carcasses to sea.

* * * * *

■ 4. In § 660.604, revise paragraphs (p)(1)(ii) and (p)(2) to read as follows:

§ 660.604 Vessel and first receiver responsibilities.

* * * * *

(p) * * *

(1) * * *

(ii) Large individual marine organisms (*i.e.,* all marine mammals, sea turtles, and non-ESA-listed seabirds, and fish species longer than 6 ft (1.8 m) in length) may be discarded. For any ESA-listed seabirds that are brought on board, vessel operators must follow any relevant instructions for handling and disposition under § 660.21(c)(1)(v).

* * * * *

(2) *Non-trawl shorebased IFQ.* A vessel operator on a declared limited entry groundfish non-trawl, shorebased IFQ trip must retain all salmon and must discard Dungeness crab caught seaward of Washington or Oregon, Pacific halibut, green sturgeon, eulachon, sea turtles, and marine mammals. All other catch may be discarded following instructions in the VMP, except as required by the Seabird Avoidance Program at § 660.21(c)(1)(v).

* * * * *

[FR Doc. 2019–26523 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 238
Wednesday, December 11, 2019

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF LABOR

29 CFR Part 90

Employment and Training Administration

20 CFR Parts 617 and 618

[Docket No. ETA–2019–0009]

RIN 1205–AB78

Trade Adjustment Assistance for Workers

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule; notification of extension of public comment period.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this document to advise the public of an extension to the public comment period. Initially, the proposed rule established a public comment period from November 7, 2019 through December 9, 2019. The Department has extended the deadline for submitting public comments to December 11, 2019, due to a website outage.

DATES: The comment period for the proposed rule published November 7, 2019, at 84 FR 60150 is extended. Send comments on or before December 11, 2019.

ADDRESSES: You may send comments, identified by Docket No. ETA–2019–0009 and Regulatory Identification Number (RIN) 1205–AB78, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Instructions for how to submit public comments electronically on the Federal eRulemaking Portal can be found on the *http://www.regulations.gov* website under ''Help'' > ''How to use *Regulations.gov*'' > ''Submit a Comment.''
- *Mail:* Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.
- *Hand Delivery/Courier:* Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Instructions: All submissions received must include the agency name and docket number for this rulemaking or ''RIN 1205–AB78.''

Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this NPRM without changes to *http://www.regulations.gov,* including any personal information provided. The *http://www.regulations.gov* website is the Federal e-Rulemaking Portal and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information (either about themselves or others) such as Social Security numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* (search using RIN 1205–AB78 or Docket No. ETA–2019–0009). The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the Office of Policy Development and Research (OPDR), U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210. If you need assistance to review the comments, the Department will provide appropriate aids such as readers or print magnifiers. The Department will make copies of this NPRM available, upon request, in large print and electronic file. To schedule an appointment to review the comments or obtain the NPRM in an alternative format or both, contact OPDR at (202) 693–3700 (this is not a toll-free number). You may also contact this office at the address listed above.

FOR FURTHER INFORMATION CONTACT: Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210, Telephone: (202) 693–3700 (voice) (this is not a toll-free number) or 1–800–326–2577 (Telecommunications Device for the Deaf).

SUPPLEMENTARY INFORMATION: The ETA is extending the public comment period for the proposed rule published in the **Federal Register** on November 7, 2019 (84 FR 60150), which established a public comment period from November 7, 2019 through December 9, 2019. The Department has extended the deadline for submitting public comments to December 11, 2019, due to the *www.regulations.gov* website outage. All substantive comments received by December 11, 2019, will be addressed in the final rule.

Signed at Washington, DC.

John P. Pallasch,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2019–26785 Filed 12–9–19; 4:15 pm]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 10, 516, 531, 578, 579, and 580

RIN 1235–AA21

Tip Regulations Under the Fair Labor Standards Act (FLSA)

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the period for submitting written comments on the Notice of Proposed Rulemaking

(NPRM) entitled ''Tip Regulations Under the Fair Labor Standards Act (FLSA).'' The comment period now ends on December 11, 2019. The Department of Labor (Department) is taking this action to provide interested parties additional time to submit comments in response to an outage causing most web browsers to refuse access to *Regulations.gov* for a period of time.

DATES: The comment period for the proposed rule published October 8, 2019, at 84 FR 53956, is extended. Comments should be received on or before December 11, 2019.

ADDRESSES: To facilitate the receipt and processing of written comments on this NPRM, the Department encourages interested persons to submit their comments electronically. You may submit comments, identified by Regulatory Information Number (RIN) 1235–AA21, by either of the following methods:

Electronic Comments: Follow the instructions for submitting comments on the Federal eRulemaking Portal *http://www.regulations.gov.*

Mail: Address written submissions to Amy DeBisschop, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: This NPRM is available through the **Federal Register** and the *http://www.regulations.gov* website. You may also access this document via the Wage and Hour Division's (WHD) website at *http://www.dol.gov/whd/.* All comment submissions must include the agency name and Regulatory Information Number (RIN 1235–AA21) for this NPRM. Response to this NPRM is voluntary. The Department requests that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this NPRM. Submit only one copy of your comment by only one method (*e.g.,* persons submitting comments electronically are encouraged not to submit paper copies). Please be advised that comments received will become a matter of public record and will be posted without change to *http://www.regulations.gov,* including any personal information provided. All comments must be received by 11:59 p.m. on the date indicated for consideration in this NPRM; comments received after the comment period closes will not be considered. Commenters should transmit comments early to ensure timely receipt prior to the close of the comment period. Electronic submission via *http://www.regulations.gov* enables prompt receipt of comments submitted as DOL continues to experience delays in the receipt of mail in our area. For access to the docket to read background documents or comments, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Amy DeBisschop, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210, telephone: (202) 693–0406 (this is not a toll-free number). Copies of this NPRM may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0675 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1 (877) 889–5627 to obtain information or request materials in alternative formats.

Questions of interpretation and/or enforcement of the agency's regulations may be directed to the nearest WHD district office. Locate the nearest office by calling the WHD's toll-free help line at (866) 4US–WAGE ((866) 487–9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto WHD's website at *http://www.dol.gov/whd/america2.htm* for a nationwide listing of WHD district and area offices.

SUPPLEMENTARY INFORMATION: On October 8, 2019, the Department published an NPRM and request for comments in the **Federal Register** (84 FR 53956), proposing to amend its tip regulations to address Congressional action related to amendments to the Fair Labor Standards Act (FLSA). The Department also proposes to codify policy regarding the tip credit's application to employees who performed tipped and non-tipped duties. This NPRM also withdraws the Department's December 5, 2017 NPRM proposing changes to the Department's tip regulations, as the Consolidated Appropriations Act has superseded it.

Cheryl M. Stanton,

Administrator, Wage and Hour Division.

[FR Doc. 2019–26788 Filed 12–9–19; 4:15 pm]

BILLING CODE 4510–27–P

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

RIN 3142–AA16

Representation—Case Procedures: Election Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships

AGENCY: National Labor Relations Board.

ACTION: Notice of extension of time to submit comments.

SUMMARY: The National Labor Relations Board (the Board) published a Notice of Proposed Rulemaking in the **Federal Register** on August 12, 2019, seeking comments from the public regarding its proposed amendments to Part 103 of its Rules and Regulations, specifically concerning the Board's blocking charge policy, the voluntary recognition bar, and Section 9(a) recognition in the construction industry. On October 10, 2019, the date to submit comments to the Notice of Proposed Rulemaking was extended for 60 days. The date to submit comments to the Notice is now extended an additional 30 days.

DATES: Comments to the Notice of Proposed Rulemaking must be received by the Board on or before January 9, 2020. Comments replying to the comments submitted during the initial comment period must be received by the Board on or before January 23, 2020.

ADDRESSES: Internet—Federal eRulemaking Portal. Electronic comments may be submitted through *http://www.regulations.gov.*

Delivery—Comments should be sent by mail or hand delivery to: Roxanne Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570–0001. Because of security precautions, the Board continues to experience delays in U.S. mail delivery. You should take this into consideration when preparing to meet the deadline for submitting comments. The Board encourages electronic filing. It is not necessary to send comments if they have been filed electronically with *regulations.gov.* If you send comments, the Board recommends that you confirm receipt of your delivered comments by contacting (202) 273–1940 (this is not a toll-free number). Individuals with hearing impairments may call 1–866–315–6572 (TTY/TDD).

Only comments submitted through *http://www.regulations.gov,* hand delivered, or mailed will be accepted; ex parte communications received by the

Board will be made part of the rulemaking record and will be treated as comments only insofar as appropriate. Comments will be available for public inspection at *http://www.regulations.gov* and during normal business hours (8:30 a.m. to 5 p.m. EST) at the above address.

The Board will post, as soon as practicable, all comments received on *http://www.regulations.gov* without making any changes to the comments, including any personal information provided. The website *http://www.regulations.gov* is the Federal eRulemaking portal, and all comments posted there are available and accessible to the public. The Board requests that comments include full citations or internet links to any authority relied upon. The Board cautions commenters not to include personal information such as Social Security numbers, personal addresses, telephone numbers, and email addresses in their comments, as such submitted information will become viewable by the public via the *http://www.regulations.gov* website. It is the commenter's responsibility to safeguard his or her information. Comments submitted through *http://www.regulations.gov* will not include the commenter's email address unless the commenter chooses to include that information as part of his or her comment.

FOR FURTHER INFORMATION CONTACT: Roxanne Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570–0001, (202) 273–1940 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

Dated: December 5, 2019.

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2019–26596 Filed 12–10–19; 8:45 am]

BILLING CODE P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

RIN 3046–AB00

Official Time in Federal Sector Cases Before the Commission

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission (EEOC or Commission) proposes amending its rule covering official time for representatives who are employees of the federal government. The Commission seeks to clarify that its rule concerning official time does not apply to representatives who serve in an official capacity in a labor organization that is the exclusive representative of employees in an appropriate unit. The Commission is doing this because it believes that the relevant labor relations statute articulates the best policy for determining if someone receives official time when they act for a labor organization and the Commission does not want its regulations to undermine this approach.

DATES: Comments are due on or before February 10, 2020.

ADDRESSES: You may submit comments by the following methods:

You may submit comments, identified by RIN Number 3046–AB00, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 663–4114. (There is no toll free fax number). Only comments of six or fewer pages will be accepted via fax transmittal, in order to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTY). (These are not toll free numbers).
- *Mail:* Bernadette B. Wilson, Executive Officer, Executive Secretariat, U.S. Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.
- *Hand Delivery/Courier:* Bernadette B. Wilson, Executive Officer, Executive Secretariat, U.S. Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

Instructions: The Commission invites comments from all interested parties. All comment submissions must include the agency name and docket number or the Regulatory Information Number (RIN) for this rulemaking. Comments need be submitted in only one of the above-listed formats. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information you provide.

Docket: For access to comments received, go to *http://www.regulations.gov.* Copies of the received comments also will be available for review at the Commission's library, 131 M Street NE, Suite 4NW08R, Washington, DC 20507, between the hours of 9:30 a.m. and 5:00 p.m., until the Commission publishes the rule in final form but you must make an appointment to do so with library staff.

FOR FURTHER INFORMATION CONTACT: Andrew Maunz, Special Assistant to the Chair, *andrew.maunz@eeoc.gov* or 202–663–4039.

SUPPLEMENTARY INFORMATION: Under section 717 of Title VII of the Civil Rights Act of 1964, as amended, the Commission is responsible for the enforcement of equal employment opportunity (EEO) in the federal employment. As such, the Commission is authorized to issue rules, regulations, orders, and instructions as necessary and appropriate to carry out its EEO responsibilities. Section 717(b) of Title VII provides that ''[e]xcept as otherwise provided in this subsection, the Equal Employment Opportunity Commission shall have authority to enforce the provisions of subsection (a) of this section through appropriate remedies . . . . and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section.'' Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16.

In 1978, the President consolidated numerous EEO responsibilities at the EEOC and, among other things, transferred responsibility for all federal sector EEO from the Civil Service Commission to the EEOC.[1] When the Commission took on responsibility for federal sector EEO, however, the Commission did not create a new process. As the Commission stated in 2015, when it contemplated a review of longstanding federal sector EEO procedures of which this proposed rule is a small part,

> [T]he Federal sector EEO complaint processing procedures did not originate with EEOC in 1979 . . . . Rather, formal, regulatory procedures first were promulgated by the Civil Service Commission (''CSC'') in 1966, codified at 5 CFR part 713, and the basic framework contained in those procedures was adopted by EEOC in 1979 [and codified at 29 CFR part 1613]. Although EEOC has revised the procedures a number of times, the original structure inherited from the CSC—counseling, complaint, investigation, hearing, final agency action, and appeal—remains.

See Advance Notice of Proposed Rulemaking, 80 FR 6669 (Feb. 6, 2015) (ANPRM). The EEOC thus positioned itself to make changes to the federal sector EEO complaint process.

Although the EEOC's original 1979 federal sector regulation at 29 CFR part

[1] On February 23, 1978, the President submitted to Congress Reorganization Plan No. 1 of 1978, which consolidated Federal Equal Employment Opportunity Activities. The text of the President's message and the terms of the plan are at 124 Congressional Record H 1457 (H. Doc. No. 95–295).

1613 was silent about ''official time'' for representatives of complaining parties, in 1987 the Commission turned back to the CSC's EEO rule for model language about ''official time''. *Id.* at 6670. The Commission then adopted the ''official time'' rule that remains today, and which was unchanged during the Commission's 1992 revision of federal sector EEO procedures, in which the Commission rescinded 29 CFR part 1613 and created 29 CFR part 1614. *See generally* 57 FR 12634 (April 10, 1992) (effective Oct. 1, 1992). Specifically, section 1614.605, under the heading ''Representation and Official Time,'' describes a complainant's right to be represented in federal sector actions covered by the Commission's regulations. Paragraph (b) of section 1614.605 discusses the right of both the complainant and representative, if they are employees of the agency at issue, to reasonable official time during their involvement in the complaint process. It is notable that the first two sentences of paragraph (b), which is the language that gives the right to reasonable official time to complainants and representatives, borrows heavily from the wording used for the comparable provision in the original CSC rule. See U.S. Civil Service Commission, Part 713—Equal Opportunity; Filing and Presentation of complaint, § 713.214(b), 37 FR 22717, 22719 (Oct. 21, 1972).

When the Civil Service Commission first crafted this approach in 1972, Congress had not yet passed the Federal Service Labor-Management Relations Statute (FSLMRS), which it did in 1978. The FSLMRS established the ability for someone acting on behalf of a labor organization to receive official time, in some instances as a right, but in many instances pursuant to an agreement between the agency and the union. 5 U.S.C. 7131. Specifically, 5 U.S.C. 7131(d)(1) states that ''any employee representing an exclusive representative . . . shall be granted official time in any amount the agency and the exclusive representative involved agree to be reasonable, necessary, and in the public interest.''

Since union official time did not exist in statute until 1978, there was no reason for the CSC's original EEO procedures to address union official time when it first published the regulation in 1972. However, in its subsequent modifications of the EEO procedures, the Commission has not expressly addressed the availability of ''reasonable'' official time to union officials or how the Commission's official time regulation for EEO proceedings interacts with the FSLMRS.

The Commission now proposes to amend section 1614.605(b) to exclude union representatives from its grant of reasonable official time for EEO proceedings. Failing to clarify the Commission's regulation can cause agencies and unions to be unclear on exactly which aspects of official time they need to bargain. Furthermore, the FSLMRS was specifically designed to address the unique relationship between labor organizations and federal agencies. *See* 5 U.S.C. 7101(b) (''It is the purpose of this chapter to prescribe certain rights and obligations of the employees of the Federal Government and to establish procedures which are designed to meet the special requirements and needs of the Government.''). Considering this design, the Commission believes that the best policy approach is to leave the determination of whether a union official receives official time to the provisions of the FSLMRS.

Therefore, the Commission proposes to amend its regulation to clearly state that its official time provision does not apply if the representative serves in an official capacity in a labor organization that is an exclusive representative of employees at the agency.

Regulatory Procedures

Executive Order 12866

The Commission has complied with the principles in section 1(b) of Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a ''significant regulatory action'' under section 3(f) of the Order, and therefore it has not been reviewed by the Office of Management and Budget.

Executive Order 13771

This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Paperwork Reduction Act

This proposed rule contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

Regulatory Flexibility Act

The Commission certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities because it applies exclusively to employees and agencies of the federal government and does not impose a burden on any business entities. For this reason, a regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act of 1995

This proposed rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

While the Commission believes the proposed rule does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996), it will still follow the reporting requirement of 5 U.S.C. 801.

List of Subjects in 29 CFR Part 1614

Administrative practice and procedure, Equal Employment Opportunity.

For the Commission.

Dated: December 5, 2019.

Janet Dhillon,

Chair.

For the reasons set forth in the preamble, the Commission proposes to amend part 1614 as follows:

PART 1614—FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY [AMENDED]

■ 1. The authority citation for Part 1614 continues to read as follows:

Authority: 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e–16 and 2000ff–6(e); E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11222, 3 CFR 1954–1958 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No 1 of 1978, 3 CFR, 1978 Comp., p. 321.

■ 2. In § 1614.605 amend paragraph (b) by adding a sentence at the end of the paragraph to read as follows:

§ 1614.605 Representation and official time.

* * * * *

(b) * * * This paragraph does not apply to a representative if he or she serves as an officer, steward, or otherwise in an official capacity in a labor organization that is the exclusive representative of employees in an appropriate unit at the agency under the relevant provisions of the Federal Service Labor-Management Relations Statute (FSLMRS). The Commission will leave whether such a representative can

receive official time to the FSLMRS and the bargaining agreements between the agency and relevant labor organization.

* * * * *

[FR Doc. 2019–26545 Filed 12–10–19; 8:45 am]

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POSTAL REGULATORY COMMISSION

39 CFR Parts 3010, 3020, 3050, and 3055

[Docket No. RM2017–3; Order No. 5337]

System for Regulating Market Dominant Rates and Classifications

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes revised rules modifying the system for regulating rates and classes for market dominant products. The revised rules incorporate feedback from comments received from the Commission's prior proposed rulemaking. The rule revisions replace some rules in their entirety, move others, and change existing rules as necessary.

DATES: *Comments are due:* February 3, 2020; *Reply Comments are due:* March 4, 2020.

ADDRESSES: For additional information, Order No. 5337 can be accessed electronically through the Commission's website at *https://www.prc.gov.* Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Relevant Statutory Requirements

Section 3622 of title 39 of the United States Code established a system to regulate the rates and classes of Market Dominant Postal products. The Commission is required to conduct a review of the Market Dominant ratemaking system 10 years after the enactment of the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3198 (2006). 39 U.S.C. 3622(d)(3). The Commission's purpose in the review is to determine whether the system is achieving the objectives appearing in subsection (b) of section 3622, taking into account the factors appearing in subsection (c) of 3622. If, upon completion of the mandatory 10-year review, including an opportunity for notice and public comment, the Commission determines that the system is not achieving the objectives (taking into account the factors), the Commission may ''by regulation, make such modification or adopt such alternative system for regulating rates and classes for market-dominant products as necessary to achieve the objectives.'' 39 U.S.C. 3622(d)(3).

II. Background

Pursuant to the directives in section 3622 of the PAEA, the Commission initiated Docket No. RM2017–3 to conduct a comprehensive analysis of whether the PAEA system achieved the nine objectives, taking into account the factors, in the decade following the PAEA's enactment. The Commission issued Order No. 4257 setting forth the findings from its review.[1] In Order No. 4257, the Commission determined that the overall PAEA system ''has not achieved the objectives taking into account the factors of the PAEA.'' Order No. 4257 at 4, 275.

In response to its conclusions in Order No. 4257 and as contemplated by section 3622(d)(3), the Commission issued a Notice of Proposed Rulemaking (NPR)[2] preceded by an Advance Notice of Proposed Rulemaking.[3] In the NPR, the Commission proposed to amend several parts of title 39 of the Code of Federal Regulations to achieve the objectives of 39 U.S.C. 3622(b). Order No. 4258 at 3. The NPR sought public comment on the Commission's proposed amendments. In response to the wide range of comments received and additional considerations, the Commission proposes new changes to the regulations and modifies and clarifies previous proposals.

III. Basis and Purpose of Revised Proposed Rules

In Order No. 4257, the Commission concluded that ''while some aspects of the system of regulating rates and classes for market dominant products have worked as planned, overall, the system has not achieved the objectives of the PAEA.'' Order No. 4257 at 5. The Commission analyzed the system by reviewing three topical areas that encompassed the nine objectives of the PAEA: (1) The structure of the ratemaking system; (2) the financial health of the Postal Service; and (3) service. *Id.* at 22. In its review of the structure of the ratemaking system, the Commission found that with respect to pricing, the system did not result in increased pricing efficiency. *Id.* at 48. It concluded that the system did not result in pricing efficiency because ''workshare discounts were not set as close as practicable to their avoided costs despite the Postal Service's ability to do so under the price cap'' in conjunction with the fact that ''seven products did not cover their attributable costs during the PAEA era.'' *Id.* at 145.

In its analysis of the financial health of the Postal Service, the Commission determined that ''financial stability, including retained earnings, has not been maintained for the Postal Service in the medium and long-term time frames and that cost reductions and operational efficiency gains have not been maximized.'' *Id.* at 148. The Commission further noted that the aggressive Retiree Health Benefits Fund prefunding and reductions in volume and revenue added to the Postal Service's net losses, as did the impact of the Great Recession combined with emergent technological trends resulting in even greater declining volumes for First-Class Single-Piece Mail. *Id.* at 38–40. Finally, in its review of service, the Commission determined that the system did not effectively encourage the maintenance of high quality service standards. *Id.* at 4–5, 250.

Subsequently, the Commission issued the NPR setting forth proposed rules to address the shortcomings of the system of ratemaking based on the conclusions in Order No. 4257. With respect to the finding that the system did not achieve pricing efficiency, the Commission proposed rules to modify the requirements related to workshare discounts. The proposed rules phased out two practices that harm pricing efficiency: ''workshare discounts set substantially below avoided costs and workshare discounts set substantially above avoided costs.'' Order No. 4258 at 93.

To address the findings related to the system's failure to provide for the financial health of the Postal Service, the Commission made three proposals intended to address the failure to attain

[1] Order on the Findings and Determination of the 39 U.S.C. 3622 Review, December 1, 2017 (Order No. 4257).

[2] Notice of Proposed Rulemaking for the System for Regulating Rates and Classes for Market Dominant Products, December 1, 2017 (Order No. 4258).

[3] Advance Notice of Proposed Rulemaking on the Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products, December 20, 2016 (Order No. 3673).

medium-term and long-term financial stability. *Id.* at 26. First, the Commission proposed a mechanism to provide the Postal Service with an additional 2 percentage points of rate authority per calendar year for 5 years following the effective date of the regulations. *Id.* This amount was aimed at putting the Postal Service ''on the path to medium-term financial stability by providing [it] the opportunity to generate additional revenue to cover its obligations.'' *Id.* at 38. Second, the Commission proposed a performance-based rate authority mechanism to provide up to an additional 1 percentage point of rate authority per calendar year to address the failure to maintain financial stability in the long term. *Id.* at 39. This proposal was dependent on the Postal Service achieving specific performance-based requirements for operational efficiency and service standard quality and was aimed at putting the ''Postal Service on the path to long-term financial stability by providing the Postal Service the opportunity to generate retained earnings.'' *Id.* at 38–39. The proposed amount of performance-based rate authority was based on ''several reference points related to capital investment, capital assets, and borrowing authority.'' *Id.* at 39. In addition to placing the Postal Service on the path to long-term financial stability, the proposal was aimed at remedying the deficiencies of the system with respect to the failure to maximize incentives to reduce costs and increase efficiency and maintain high quality service standards. *Id.* at 46. Third, the Commission proposed a mechanism to improve the cost coverage of non-compensatory classes and products by including rate design requirements for non-compensatory products and authorizing an additional 2 percentage points of rate authority per calendar year for non-compensatory classes of mail. *Id.* at 77. The proposal was based on the Commission's finding that non-compensatory classes and products threatened the financial integrity of the Postal Service because the revenues from these products and classes do not cover their attributable costs. *Id.* at 73; Order No. 4257 at 233–235. The proposal was aimed at placing the ''Postal Service on the path to having fully compensatory products and classes.'' Order No. 4258 at 73–74.

Finally, the NPR proposed additional procedural improvements intended to ''improve the ratemaking process relating to planned rate adjustments of general applicability.'' *Id.* at 98. These proposals were ''within the scope of the Commission's general authority to revise its regulations'' and were in line with the Commission's review in Order No. 4257 and comments received. *Id.* The proposed changes related to the schedule for regular and predictable rate adjustments and the timing for the notice period and related filings for rate adjustments. *Id.* at 98–99.

After further consideration, including consideration of the comments received in response to the NPR, the Commission provides revisions to its proposed rules in its Revised NPR.[4]

First, the Commission modifies the proposed supplemental rate authority mechanism to address specific drivers of the Postal Service's inability to achieve net income during the PAEA era. Order No. 5337 at 12. Instead of a singular, fixed amount of supplemental rate authority, the revised supplemental authority proposal includes two separate mechanisms intended to provide rate authority to address costs largely outside the Postal Service's control. *Id.* The first mechanism provides additional rate authority based on loss of density, and the second mechanism provides additional rate authority based on amortization of retirement benefit obligations until such time as the Postal Service has sufficient revenue incorporated in the rate base to cover these payments. *Id.* at 12–13.

Second, the Commission adjusts the performance-based authority to retain the 1 percentage point of rate authority benchmark but modifies how the specific performance-based requirements for operational efficiency and service will be measured. *Id.* at 13–14. Additionally, the Postal Service must now meet both efficiency and service benchmarks to claim the performance-based rate authority. These revisions to the performance-based authority are intended to allow the Postal Service to improve its financial health and provide a mechanism for the Postal Service to achieve long-term financial stability and increase operational efficiency while maintaining high quality service standards. *Id.* at 14.

Next, the Commission makes minor revisions to the rules for non-compensatory products and classes, proposing that the use of an additional 2 percentage points of rate authority for non-compensatory classes be optional and removing the requirement that determinations of a class's compensatory status be made only in the Annual Compliance Determination proceeding. *Id.* These modifications are geared towards placing the Postal Service on the path to having fully compensatory products and classes as well as improving the financial integrity of the system while allowing for the continued achievement of objectives relating to pricing flexibility, pricing efficiency, and establishing and maintaining reasonable rates. *Id.*

The Commission further proposes revised rules for worksharing discounts that dispense with the use of the 3-year grace period. *Id.* The proposed rules prohibit the Postal Service from: (1) Changing those workshare discounts currently set equal to avoided cost; (2) reducing workshare discounts set below avoided cost; and (3) increasing workshare discounts set above avoided cost. *Id.* The modifications also add a new requirement that the Postal Service provide information and analysis specific to certain workshare costs set excessively above or below avoided cost. *Id.* The proposed workshare rules are intended to incentivize workshare discounts to adhere as closely as possible to Efficient Component Pricing principles in order to help the ratemaking system maximize incentives to increase efficiency. *Id.* at 14–15.

The Commission also proposes new reporting requirements for costs and cost-reduction initiatives in response to commenter concerns and in light of the revised proposals for additional rate authority. *Id.* at 15. The proposals set forth reporting requirements for changes in unit costs, specific cost-reduction initiatives, and Decision Analysis Reports. *Id.* The new cost reporting requirements are intended to provide transparency into the Postal Service's efforts to reduce costs and increase efficiency. *Id.*

Finally, the Commission proposes additional procedural rules related to planning rate adjustments of general applicability. *Id.* These revisions are intended to improve the ratemaking process. *Id.*

IV. Revised Proposed Rules

Proposed 39 CFR part 3010, subpart A describes the applicability of the rules, provides an index, sets forth relevant definitions, and modifies the schedule for regular and predictable rate adjustments.

Proposed 39 CFR part 3010, subpart B modifies procedures applicable to periodic rate adjustments (including extending notice and filing periods from 45 to 90 days), setting forth specific requirements for contents of a rate adjustment filing (including mandating that the Postal Service certify that it has used the most recently accepted analytical principles in its rate adjustment filing), specifying content to

[4] Revised Notice of Proposed Rulemaking, December 5, 2019 (Order No. 5337).

be included in supporting technical documentation, and describing the sequence of a proceeding applicable to a request to review a notice of rate adjustment. This section also specifies the calculation of the maximum rate adjustment authority and imposes limitations on certain rate decreases, providing an exception for certain *de minimis* rate increases.

Proposed 39 CFR part 3010, subpart C relates to the timing of rate adjustment authority dependent on CPI–U.

Proposed 39 CFR part 3010, subpart D creates additional rate authority to address the effects of decreases in mail density and sets forth the data sources and calculation of the density rate authority.

Proposed 39 CFR part 3010, subpart E creates additional rate authority to provide the Postal Service with revenue for remittance towards the statutorily mandated Retirement Health Benefits Fund, Civil Service Retirement System, and Federal Employees Retirement System unfunded liabilities. This section provides definitions, procedures applicable to claiming the additional rate authority, and the data sources, calculation, and requirement that the Postal Service remit the amount of revenue collected under this authority towards the supplemental and unfunded liabilities.

Proposed 39 CFR part 3010, subpart F creates an additional 1 percentage point of rate authority per class of mail based upon the Postal Service meeting or exceeding an operational efficiency-based requirement and adhering to a service standard-based requirement. This section sets forth the timing for the Postal Service to claim the additional rate authority and describes the criteria for claiming both the operational efficiency-based requirement and the service standard-based requirement.

Proposed 39 CFR part 3010, subpart G describes new rate-setting criteria applicable to non-compensatory classes and products.

Proposed 39 CFR part 3010, subpart H relates to the manner by which the Postal Service is required to calculate unused rate adjustment authority and, if applicable, revise the schedule of banked rate adjustment authority whenever it plans to adjust rates.

Proposed 39 CFR 3010, subpart I incorporates the requirements concerning exigent rate increases. These updates are not intended to change the meaning or operation of the current rules, but the current rules have been reorganized.

Proposed 39 CFR 3010, subpart J establishes rate design criteria for workshare discounts, including setting forth new limited instances in which the Postal Service may set workshare discounts below avoided costs.

To create global consistency between 39 CFR parts 3010 and 3020, conforming changes are proposed to §§ 3020.32, 3020.52, 3020.72, 3020.81, 3020.82, 3020.90, 3020.91, and 39 CFR 3020, subpart G.

Additional conforming changes are proposed in 39 CFR part 3050 for §§ 3050.20, 3050.21, 3050.55, and 3050.60. Conforming changes are also proposed in 39 CFR part 3055 for § 3055.2.

List of Subjects

39 CFR Part 3010

Administrative practice and procedure, Postal Service.

39 CFR Part 3020

Administrative practice and procedure.

39 CFR Part 3050

Administrative practice and procedure, Postal Service, Reporting and recordkeeping requirements.

39 CFR Part 3055

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Commission proposes to amend Chapter III of title 39 of the Code of Federal Regulations as follows:

■ 1. Revise part 3010 to read as follows:

PART 3010—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

Subpart A—General Provisions

Sec.

Subpart B—Rate Adjustments

Subpart C—Consumer Price Index Rate Authority

Subpart D—Density Rate Authority

Subpart E—Retirement Obligation Rate Authority

Subpart F—Performance-Based Rate Authority

Subpart G—Non-Compensatory Classes or Products

Subpart H—Accumulation of Unused and Disbursement of Banked Rate Adjustment Authority

Subpart I—Rate Adjustments Due to Extraordinary and Exceptional Circumstances

Subpart J—Workshare Discounts

Authority: 39 U.S.C. 503; 3622.

Subpart A—General Provisions.

§ 3010.100 Applicability.

(a) The rules in this part implement provisions in 39 U.S.C. chapter 36, subchapter I, establishing the modern system of ratemaking for regulating rates and classes for market dominant products. These rules are applicable whenever the Postal Service proposes to adjust a rate of general applicability for any market dominant product, which includes the addition of a new rate, the removal of an existing rate, or a change to an existing rate. Current rates may be found in the Mail Classification Schedule appearing on the Commission's website at *www.prc.gov.*

(b) Rates may be adjusted either subject to the rules appearing in subpart B of this part, which includes a limitation on rate increases, or subject to the rules appearing in subpart I of this part, which does not include a limitation on rate increases but requires either extraordinary or exceptional circumstances. The rules applicable to the calculation of the limitations on rate increases appear in subparts C through H of this part. The rules for workshare discounts, which are applicable whenever market dominant rates are adjusted, appear in subpart J of this part.

§ 3010.101 Definitions.

(a) The definitions in paragraphs (b) through (m) of this section apply to this part.

(b) ''Annual limitation'' means the annual limitation on the percentage change in rates equal to the change in the Consumer Price Index for all Urban Consumers (CPI–U) unadjusted for seasonal variation over the most recently available 12-month period preceding the date the Postal Service files a request to review its notice of rate adjustment, as determined by the Commission.

(c) ''Banked rate authority'' means unused rate adjustment authority accumulated for future use pursuant to these rules.

(d) A ''class'' of mail means the First-Class Mail, USPS Marketing Mail, Periodicals, Package Services, or Special Services groupings of market dominant Postal Service products or services. Generally, the regulations in this part are applicable to individual classes of mail.

(e) ''Density rate authority'' means rate authority that is available to all classes to address the effects of decreases in density of mail.

(f) ''Maximum rate adjustment authority'' means the maximum percentage change in rates available to a class for any planned increase in rates. It is the sum of: The consumer price index rate authority, and any available density rate authority, retirement obligation rate authority, banked rate authority, performance-based rate authority, and rate authority applicable to non-compensatory classes.

(g) ''Performance-based rate authority'' means rate authority that is available to all classes where the Postal Service meets or exceeds operational efficiency-based requirement and adheres to service standard-based requirement as determined by the Commission.

(h) ''Rate authority applicable to non-compensatory classes'' means rate authority available to classes where revenue for each product within the class was insufficient to cover that product's attributable costs as determined by the Commission.

(i) ''Rate cell'' means each and every separate rate identified as a rate of general applicability.

(j) ''Rate incentive'' means a discount that is not a workshare discount and that is designed to increase or retain volume, improve the value of mail for mailers, or improve the operations of the Postal Service.

(k) ''Rate of general applicability'' means a rate applicable to all mail meeting standards established by the Mail Classification Schedule, the Domestic Mail Manual, and the International Mail Manual. A rate is not a rate of general applicability if eligibility for the rate is dependent on factors other than the characteristics of the mail to which the rate applies. A rate is not a rate of general applicability if it benefits a single mailer. A rate that is only available upon the written agreement of both the Postal Service and a mailer, a group of mailers, or a foreign postal operator is not a rate of general applicability.

(l) ''Retirement obligation rate authority'' means rate authority that is available to all classes to provide revenue for remittance towards the statutorily mandated amortization payments for unfunded liabilities.

(m) A ''seasonal or temporary rate'' is a rate that is in effect for a limited and defined period of time.

§ 3010.102 Schedule for regular and predictable rate adjustments.

(a) The Postal Service shall develop a Schedule for Regular and Predictable Rate Adjustments applicable to rate adjustments subject to this part. The Schedule for Regular and Predictable Rate Adjustments shall:

(1) Schedule rate adjustments at specific regular intervals of time;

(2) Provide estimated filing and implementation dates (month and year) for future rate adjustments for each class of mail expected over a minimum of the next 3 years; and

(3) Provide an explanation that will allow mailers to predict with reasonable accuracy, by class, the amounts of future scheduled rate adjustments.

(b) The Postal Service shall file a current Schedule for Regular and Predictable Rate Adjustments annually with the Commission at the time of filing the Postal Service's section 3652 report. The Commission shall post the current schedule on the Commission's website at *www.prc.gov.*

(c) Whenever the Postal Service deems it appropriate to change the Schedule for Regular and Predictable Rate Adjustments, it shall file a revised schedule.

(d) The Postal Service may vary the magnitude of rate adjustments from those estimated by the Schedule for Regular and Predictable Rate Adjustments. In such case, the Postal Service shall provide an explanation for such variation with its rate adjustment filing.

Subpart B—Rate Adjustments

§ 3010.120 General

This subpart describes the process for the periodic adjustment of rates subject to the percentage limitations specified in § 3010.127 that are applicable to each class of mail.

§ 3010.121 Postal Service rate adjustment filing.

(a) In every instance in which the Postal Service determines to exercise its statutory authority to adjust rates for a class of mail, the Postal Service shall comply with the requirements specified in paragraphs (b) through (d) of this section.

(b) The Postal Service shall take into consideration how the planned rate adjustments are in accordance with the provisions of 39 U.S.C. chapter 36.

(c) The Postal Service shall provide public notice of its planned rate adjustments in a manner reasonably designed to inform the mailing community and the general public that it intends to adjust rates no later than 90

days prior to the planned implementation date of the rate adjustments.

(d) The Postal Service shall file a request to review its notice of rate adjustment with the Commission no later than 90 days prior to the planned implementation date of the rate adjustment.

§ 3010.122 Contents of a rate adjustment filing.

(a) A rate adjustment filing under § 3010.121 shall include the items specified in paragraphs (b) through (j) of this section.

(b) A representation or evidence that public notice of the planned changes has been issued or will be issued at least 90 days before the effective date(s) for the planned rate adjustments.

(c) The intended effective date(s) of the planned rate adjustments.

(d) A schedule of the planned rate adjustments, including a schedule identifying every change to the Mail Classification Schedule that will be necessary to implement the planned rate adjustments.

(e) The identity of a responsible Postal Service official who will be available to provide prompt responses to requests for clarification from the Commission.

(f) The supporting technical documentation as described in § 3010.123.

(g) A demonstration that the planned rate adjustments are consistent with 39 U.S.C. 3626, 3627, and 3629.

(h) A certification that all cost, avoided cost, volume, and revenue figures submitted with the rate adjustment filing are developed from the most recent applicable Commission accepted analytical principles.

(i) For a rate adjustment that only includes a decrease in rates, a statement of whether the Postal Service elects to generate unused rate adjustment authority.

(j) Such other information as the Postal Service believes will assist the Commission in issuing a timely determination of whether the planned rate adjustments are consistent with applicable statutory policies.

§ 3010.123 Supporting technical documentation.

(a) Supporting technical documentation shall include the items specified in paragraphs (b) through (k) of this section, as applicable to the specific rate adjustment filing. This information must be supported by workpapers in which all calculations are shown and all relevant values (*e.g.,* rates, CPI–U values, billing determinants) are identified with citations to original sources. The information must be submitted in machine-readable, electronic format. Spreadsheet cells must be linked to underlying data sources or calculations (not hard-coded), as appropriate.

(b) The maximum rate adjustment authority, by class, as summarized by § 3010.127 and calculated separately for each of subparts C through H of this part, as appropriate.

(c) A schedule showing the banked rate adjustment authority available, by class, and the available amount for each of the preceding 5 years calculated as required by subpart H of this part.

(d) The calculation of the percentage change in rates, by class, calculated as required by § 3010.128.

(e) The planned usage of rate adjustment authority, by class, and calculated separately for each of subparts C through H of this part, as appropriate.

(f) The amount of new unused rate adjustment authority, by class, if any, that will be generated by the rate adjustment calculated as required by subpart H of this part, as applicable.

(g) A schedule of the workshare discounts included with the planned rate adjustments, and a companion schedule listing the avoided costs that underlie each such discount.

(h) Whenever the Postal Service establishes a new workshare discount rate, it must include with its filing:

(1) A statement explaining its reasons for establishing the workshare discount;

(2) All data, economic analyses, and other information relied on to justify the workshare discount; and

(3) A certification based on comprehensive, competent analyses that the discount will not adversely affect either the rates or the service levels of users of postal services who do not take advantage of the workshare discount.

(i) Whenever the Postal Service establishes a new discount or surcharge rate it does not view as creating a workshare discount, it must include with its filing:

(1) An explanation of the basis for its view that the discount or surcharge rate is not a workshare discount; and

(2) A certification that the Postal Service applied accepted analytical principles to the discount or surcharge rate.

(j) Whenever the Postal Service includes a rate incentive with its planned rate adjustment, it must include with its filing:

(1) If the rate incentive is a rate of general applicability, sufficient information to demonstrate that the rate incentive is a rate of general applicability; and

(2) A statement of whether the Postal Service has excluded the rate incentive from the calculation of the percentage change in rates under § 3010.128.

(k) For each class or product where the attributable cost for that class or product exceeded the revenue from that class or product as determined by the Commission, a demonstration that the planned rate adjustments comply with the requirements in subpart G of this part.

§ 3010.124 Docket and notice.

(a) The Commission will establish a docket for each rate adjustment filed by the Postal Service under § 3010.121, promptly publish notice of the filing in the **Federal Register**, and post the filing on its website. The notice shall include the items specified in paragraphs (b) through (g) of this section.

(b) The general nature of the proceeding.

(c) A reference to legal authority under which the proceeding is to be conducted.

(d) A concise description of the planned changes in rates, fees, and the Mail Classification Schedule.

(e) The identification of an officer of the Commission to represent the interests of the general public in the docket.

(f) A period of 30 days from the date of the filing for public comment.

(g) Such other information as the Commission deems appropriate.

§ 3010.125 Opportunity for comments.

Public comments should focus on whether planned rate adjustments comport with applicable statutory and regulatory requirements.

§ 3010.126 Proceedings.

(a) If the Commission determines that the rate adjustment filing does not substantially comply with the requirements of §§ 3010.122 and 3010.123, the Commission may:

(1) Inform the Postal Service of the deficiencies and provide an opportunity for the Postal Service to take corrective action;

(2) Toll or otherwise modify the procedural schedule until such time the Postal Service takes corrective action;

(3) Dismiss the rate adjustment filing without prejudice; or

(4) Take other action as deemed appropriate by the Commission.

(b) Within 21 days of the conclusion of the public comment period the Commission will determine whether the planned rate adjustments are consistent with applicable law and issue an order announcing its findings. Applicable law means only the applicable requirements

of this part, Commission directives and orders, and 39 U.S.C. 3626, 3627, and 3629.

(c) If the planned rate adjustments are found consistent with applicable law, they may take effect.

(d) If the planned rate adjustments are found inconsistent with applicable law, the Commission will notify and require the Postal Service to respond to any issues of noncompliance.

(e) Following the Commission's notice of noncompliance, the Postal Service may submit an amended rate adjustment filing that describes the modifications to its planned rate adjustments that will bring its rate adjustments into compliance. An amended rate adjustment filing shall be accompanied by sufficient explanatory information to show that all deficiencies identified by the Commission have been corrected.

(f) The Commission will allow a period of 10 days from the date of the amended rate adjustment filing for public comment.

(g) The Commission will review the amended rate adjustment filing together with any comments filed for compliance and issue an order announcing its findings within 21 days after the comment period ends.

(h) If the planned rate adjustments as amended are found to be consistent with applicable law, they may take effect. However, no amended rate shall take effect until 45 days after the Postal Service transmits its rate adjustment filing specifying that rate.

(i) If the planned rate adjustments in an amended rate adjustment filing are found to be inconsistent with applicable law, the Commission shall explain the basis for its determination and suggest an appropriate remedy. Noncompliant rates may not go into effect.

(j) A Commission finding that a planned rate adjustment is in compliance with the applicable requirements of this part, Commission directives and orders, and 39 U.S.C. 3626, 3627, and 3629 is decided on the merits. A Commission finding that a planned rate adjustment does not contravene other policies of 39 U.S.C. chapter 36, subchapter I is provisional and subject to subsequent review.

§ 3010.127 Maximum rate adjustment authority.

(a) The maximum rate adjustment authority available to the Postal Service for each class of market dominant mail is limited to the sum of the percentage points developed in:

(1) Subpart C—Consumer Price Index Rate Authority;

(2) Subpart D—Density Rate Authority;

(3) Subpart E—Retirement Obligation Rate Authority;

(4) Subpart F—Performance-based Rate Authority;

(4) Subpart G—Non-compensatory Classes or Products; and

(5) Subpart H—Accumulation of Unused and Disbursement of Banked Rate Adjustment Authority.

(b) For any product where the attributable cost for that product exceeded the revenue from that product as determined by the Commission, rates may not be reduced.

§ 3010.128 Calculation of percentage change in rates.

(a) For the purpose of calculating the percentage change in rates, the current rate is the rate in effect at the time of the rate adjustment filing under § 3010.121 with the following exceptions.

(1) A seasonal or temporary rate shall be identified and treated as a rate cell separate and distinct from the corresponding non-seasonal or permanent rate. When used with respect to a seasonal or temporary rate, the current rate is the most recent rate in effect for the rate cell, regardless of whether the seasonal or temporary rate is available at the time of the rate adjustment filing.

(2) When used with respect to a rate cell that corresponds to a rate incentive that was previously excluded from the calculation of the percentage change in rates, the current rate is the full undiscounted rate in effect for the rate cell at the time of the rate adjustment filing, not the discounted rate in effect for the rate cell at such time.

(b) For the purpose of calculating the percentage change in rates, the volume for each rate cell shall be obtained from the most recently available 12 months of Postal Service billing determinants with the following permissible adjustments.

(1) The Postal Service shall make reasonable adjustments to the billing determinants to account for the effects of classification changes such as the introduction, deletion, or redefinition of rate cells. The Postal Service shall identify and explain all adjustments. All information and calculations relied upon to develop the adjustments shall be provided together with an explanation of why the adjustments are appropriate.

(2) Whenever possible, adjustments shall be based on known mail characteristics or historical volume data, as opposed to forecasts of mailer behavior.

(3) For an adjustment accounting for the effects of the deletion of a rate cell when an alternate rate cell is not available, the Postal Service should adjust the billing determinants associated with the rate cell to 0. If the Postal Service does not adjust the billing determinants for the rate cell to 0, the Postal Service shall include a rationale for its treatment of the rate cell with the information required under paragraph (b)(1) of this section.

(c) For a rate adjustment that involves a rate increase, for each class of mail and product within the class, the percentage change in rates is calculated in three steps. First, the volume of each rate cell in the class is multiplied by the planned rate for the respective cell and the resulting products are summed. Second, the same set of rate cell volumes is multiplied by the corresponding current rate for each cell and the resulting products are summed. Third, the percentage change in rates is calculated by dividing the results of the first step by the results of the second step and subtracting 1 from the quotient. The result is expressed as a percentage.

(d) For rate adjustments that only involve a rate decrease, for each class of mail and product within the class, the percentage change in rates is calculated by amending the workpapers attached to the Commission's order relating to the most recent rate adjustment filing that involved a rate increase to replace the planned rates under the most recent rate adjustment filing that involves a rate increase with the corresponding planned rates applicable to the class from the rate adjustment filing involving only a rate decrease.

(e) The formula for calculating the percentage change in rates for a class, described in paragraphs (c) and (d) of this section, is as follows:

Percentage change in rates =

$$\left(\sum_{i=1}^{N}(R_{i,n})(V_i) \Big/ \sum_{i=1}^{N}(R_{i,c})(V_i)\right) - 1$$

Where,
N = number of rate cells in the class
i = denotes a rate cell (i = 1, 2, . . . , N)
Ri,n = planned rate of rate cell i
Ri,c = current rate of rate cell i (for rate adjustment involving a rate increase) or rate from most recent rate adjustment involving a rate increase for rate cell i (for a rate adjustment only involving a rate decrease)
Vi = volume of rate cell i

(f) Treatment of rate incentives.

(1) Rate incentives may be excluded from a percentage change in rates calculation. If the Postal Service elects to exclude a rate incentive from a percentage change in rates calculation, the rate incentive shall be treated in the same manner as a rate under a negotiated service agreement (as described in § 3010.128(g)).

(2) A rate incentive may be included in a percentage change in rates calculation if it meets the following criteria:

(i) The rate incentive is in the form of a discount or can be easily translated into a discount;

(ii) Sufficient billing determinants are available for the rate incentive to be included in the percentage change in rate calculation for the class, which may be adjusted based on known mail characteristics or historical volume data (as opposed to forecasts of mailer behavior); and

(iii) The rate incentive is a rate of general applicability.

(g) Treatment of volume associated with negotiated service agreements and rate incentives that are not rates of general applicability.

(1) Mail volumes sent at rates under a negotiated service agreement or a rate incentive that is not a rate of general applicability are to be included in the calculation of the percentage change in rates under this section as though they paid the appropriate rates of general applicability. Where it is impractical to identify the rates of general applicability (*e.g.,* because unique rate categories are created for a mailer), the volumes associated with the mail sent under the terms of the negotiated service agreement or the rate incentive that is not a rate of general applicability shall be excluded from the calculation of the percentage change in rates.

(2) The Postal Service shall identify and explain all assumptions it makes with respect to the treatment of negotiated service agreements and rate incentives that are not rates of general applicability in the calculation of the percentage change in rates and provide the rationale for its assumptions.

§ 3010.129 Exceptions for de minimis rate increases.

(a) The Postal Service may request that the Commission review a de minimis rate increase without immediately calculating the maximum rate adjustment authority or banking unused rate adjustment authority. For this exception to apply, requests to review de minimis rate adjustments must be filed separately from any other request to review a rate adjustment filing.

(b) Rate adjustments resulting in rate increases are de minimis if:

(1) For each affected class, the rate increases do not result in the percentage change in rates for the class equaling or exceeding 0.001 percent; and

(2) For each affected class, the sum of all rate increases included in de minimis rate increases since the most recent rate adjustment resulting in a rate increase, or the most recent rate adjustment due to extraordinary and exceptional circumstances, that was not a de minimis rate increase does not result in the percentage change in rates for the class equaling or exceeding 0.001 percent.

(c) If the rate adjustments are de minimis, no unused rate adjustment authority will be added to the schedule of banked rate adjustment authority maintained under subpart G of this part as a result of the de minimis rate increase.

(d) If the rate adjustments are de minimis, no rate decreases may be taken into account when determining whether rate increases comply with paragraphs (b)(1) and (2) of this section.

(e) In the next rate adjustment filing proposing to increase rates for a class that is not a de minimis rate increase:

(1) The maximum rate adjustment authority shall be calculated as if the de minimis rate increase had not been filed; and

(2) For purposes of calculating the percentage change in rates, the current rate shall be the current rate from the de minimis rate increase.

(f) The Postal Service shall file supporting workpapers with each request to review a de minimis rate increase that demonstrate that the sum of all rate increases included in de minimis rate increases since the most recent rate adjustment resulting in a rate increase that was not de minimis, or the most recent rate adjustment due to extraordinary and exceptional circumstances, does not result in a percentage change in rates for the class equaling or exceeding 0.001 percent.

(g) For any product where the attributable cost for that product exceeded the revenue from that product as determined by the Commission, rates may not be reduced.

Subpart C—Consumer Price Index Rate Authority

§ 3010.140 Applicability.

The Postal Service may adjust rates based upon changes in the Consumer Price Index for all Urban Consumers (CPI–U) identified in § 3010.141. If rate adjustment filings involving rate increases are filed 12 or more months apart, rate adjustments are subject to a full year limitation calculated pursuant to § 3010.142. If rate adjustment filings involving rate increases are filed less than 12 months apart, rate adjustments are subject to a partial year limitation calculated pursuant to § 3010.143.

§ 3010.141 CPI–U data source.

The monthly CPI–U values needed for the calculation of rate adjustment limitations under this section shall be obtained from the Bureau of Labor Statistics (BLS) Consumer Price Index—All Urban Consumers, U.S. All Items, Not Seasonally Adjusted, Base Period 1982–84 = 100. The current Series ID for the index is ''CUUR0000SA0.''

§ 3010.142 CPI–U rate authority when rate adjustment filings are 12 or more months apart.

(a) If a rate adjustment filing involving a rate increase is filed 12 or more months after the most recent rate adjustment filing involving a rate increase, then the calculation of an annual limitation for the class (full year limitation) involves three steps. First, a simple average CPI–U index is calculated by summing the most recently available 12 monthly CPI–U values from the date of the rate adjustment filing and dividing the sum by 12 (Recent Average). Second, a second simple average CPI–U index is similarly calculated by summing the 12 monthly CPI–U values immediately preceding the Recent Average and dividing the sum by 12 (Base Average). Third, the full year limitation is calculated by dividing the Recent Average by the Base Average and subtracting 1 from the quotient. The result is expressed as a percentage, rounded to three decimal places.

(b) The formula for calculating a full year limitation for a rate adjustment filing filed 12 or more months after the last rate adjustment filing is as follows: Full Year Limitation = (Recent Average/Base Average) − 1.

§ 3010.143 CPI–U rate authority when rate adjustment filings are less than 12 months apart.

(a) If a rate adjustment filing involving a rate increase is filed less than 12 months after the most recent rate adjustment filing involving a rate increase, then the annual limitation for the class (partial year limitation) will recognize the rate increases that have occurred during the preceding 12 months. When the effects of those increases are removed, the remaining partial year limitation is the applicable restriction on rate increases.

(b) The applicable partial year limitation is calculated in two steps. First, a simple average CPI–U index is calculated by summing the 12 most recently available monthly CPI–U values from the date of the rate adjustment filing and dividing the sum by 12 (Recent Average). Second, the partial year limitation is then calculated by dividing the Recent Average by the Recent Average from the most recent previous rate adjustment filing (Previous Recent Average) applicable to each affected class of mail and subtracting 1 from the quotient. The result is expressed as a percentage, rounded to three decimal places.

(c) The formula for calculating the partial year limitation for a rate adjustment filing filed less than 12 months after the last rate adjustment filing is as follows: Partial Year Limitation = (Recent Average/Previous Recent Average) − 1.

Subpart D—Density Rate Authority

§ 3010.160 Applicability.

(a) This subpart allocates rate authority to address the effects of decreases in the density of mail as measured by the sources identified in § 3010.161. The calculation of the additional rate authority corresponding to the change in density is described in § 3010.162.

(b) The Postal Service shall file a notice with the Commission by December 31 of each year that calculates the amount of density rate authority that is eligible to be authorized under this subpart.

(c) The Commission shall review the Postal Service's notice and determine how much, if any, rate authority will be authorized under this subpart. Any rate authority allocated under this subpart:

(1) Shall be made available to the Postal Service as of the date of the Commission's determination;

(2) Must be included in the calculation of the maximum rate adjustment authority in the first generally applicable rate adjustment filed after the Commission's determination;

(3) Shall lapse if unused, within 12 months of the Commission's determination; and

(4) May not be used to generate unused rate authority, nor shall it affect existing banked rate authority.

§ 3010.161 Density calculation data sources.

(a) The data needed for the calculation of the density rate authority in § 3010.162 shall be obtained from the values reported by the Postal Service as specified in paragraphs (b) through (d) of this section. When both originally filed and annually revised data are available, the originally filed data shall be used. When the originally filed data are corrected through a refiling or in the Commission's Annual Compliance Determination report, the corrected version of the originally filed data shall be used.

(b) Market dominant volume and total volume from the Revenue, Pieces, and Weight report, filed by the Postal Service under § 3050.25 of this chapter;

(c) Institutional costs and total costs from the Cost and Revenue Analysis report, filed with the Postal Service's section 3652 report; and

(d) The number of delivery points, from the input data used to produce the Total Factor Productivity estimates, filed with the Postal Service's section 3652 report.

§ 3010.162 Calculation of density rate authority.

(a) *Formulas*—(1) The formula for calculating the amount of density rate authority, in conformance with paragraph (c)(1) of this section, is as follows:

Density rate authority = the greater of 0 and

$$-1 * \frac{IC_T}{TC_T} * \%\Delta D_{[T-1,T]}$$

Where,

T = most recently completed fiscal year
T–1 = fiscal year prior to fiscal year T
IC_T = institutional cost in fiscal year T
TC_T = total cost in fiscal year T
$\%\Delta D_{[T-1,T]}$ = Percentage change in density from fiscal year T–1 to fiscal year T

(2) The formula for calculating the percentage change in density, in conformance with paragraph (b)(2) of this section, is as follows:

Percentage change in density from prior fiscal year =

$$\frac{\frac{V_T}{DP_T}}{\frac{V_{T-1}}{DP_{T-1}}} - 1$$

Where,

T = most recently completed fiscal year
T–1 = fiscal year prior to fiscal year T
V_T = volume in fiscal year T (either market dominant volume or total volume as discussed in paragraph (b)(2) of this section)
DP_T = delivery points in fiscal year T

(b) *Calculation*—(1) The amount of density rate authority available under this section shall be calculated in three steps. First, the percentage change in density during the most recently completed fiscal year shall be calculated using the formula in paragraph (a)(2) of this section as described in paragraph (b)(2) of this section. Second, this percentage change shall be multiplied by the institutional cost ratio, which is calculated as institutional costs for the most recently completed fiscal year divided by total costs for that fiscal year. Finally, this product shall be multiplied by negative 1 so that declines in density correspond to a positive increase in rates. If the result of this calculation is less than 0, the amount of additional rate authority shall be 0.

(2) The percentage change in density from the prior fiscal year shall be calculated as the ratio of volume to delivery points for the most recently completed fiscal year, divided by the same ratio for the prior fiscal year, and subtracting 1 from the quotient. The result is expressed as a percentage, rounded to three decimal places. To ensure that decreases in competitive product volume will not result in the Postal Service receiving greater additional rate adjustment authority under this subpart, the percentage change in density shall be calculated two ways: Using market dominant volume and using total volume. The greater of the two results (not using absolute value) shall be used as the percentage change in density from the prior fiscal year.

Subpart E—Retirement Obligation Rate Authority

§ 3010.180 Definitions.

(a) The definitions in paragraphs (b) through (e) of this section apply to this subpart.

(b) ''Amortization payments'' mean the amounts that the Postal Service is invoiced by the U.S. Office of Personnel Management to provide for the liquidation of the specific and supplemental unfunded liabilities by statutorily predetermined dates, as described in § 3010.182(a).

(c) ''Phase-in period'' means the period of time spanning the fiscal years of issuance of the first five determinations following the effective date of this subpart, as specified by the timing provisions in § 3010.181.

(d) ''Required minimum remittance'' means the minimum amount the Postal Service is required to remit during a particular fiscal year, as calculated under § 3010.184.

(e) ''Revenue collected under this subpart'' means the amount of revenue collected during a fiscal year as a result of all previous rate increases authorized under this subpart, as calculated under § 3010.184.

§ 3010.181 Applicability.

(a) This subpart allocates additional rate authority to provide the Postal Service with revenue for remittance towards the statutorily mandated amortization payments for supplemental and unfunded liabilities identified in § 3010.182. As described in § 3010.184, for retirement obligation rate authority to be made available, the Postal Service must annually remit towards these amortization payments all revenue collected under this subpart previously. The full retirement obligation rate authority, calculated as described in § 3010.183, shall be phased in over 5 fiscal years, taking into account changes in volume during the phase-in period. If combined with an equal rate increase on Competitive products, the compounded rate increase resulting from retirement obligation rate authority is calculated to generate sufficient additional revenue at the end of the phase-in period to permit the Postal Service to remit the entire invoiced amount of its amortization payments.

(b) The Postal Service shall file a notice with the Commission by December 31 of each year, until the conclusion of the phase-in period, that calculates the amount of retirement obligation rate authority that is eligible to be authorized under this subpart.

(c) The Commission shall review the Postal Service's notice and determine how much, if any, rate authority will be authorized under this subpart. Any rate authority allocated under this subpart:

(1) Shall be made available to the Postal Service as of the date of the Commission's determination;

(2) Must be included in the calculation of the maximum rate adjustment authority in the first generally applicable rate adjustment filed after the Commission's determination;

(3) Shall lapse if not used in the first generally applicable rate adjustment filed after the Commission's determination;

(4) Shall lapse if unused, within 12 months of the Commission's determination; and

(5) May not be used to generate unused rate authority, nor shall it affect existing banked rate authority.

§ 3010.182 Retirement obligation data sources.

(a) The amounts of the amortization payments needed for the calculation of retirement obligation rate adjustment authority in § 3010.183 shall be obtained from notifications to the Postal Service by the Office of Personnel Management of annual determinations of the funding amounts specific to payments at the end of each fiscal year for Retiree Health Benefits as computed under 5 U.S.C. 8909a(d)(2)(B) and (d)(3)(B)(ii); the Civil Service Retirement System as computed under 5 U.S.C. 8348(h)(2)(B); and the Federal Employees Retirement System as computed under 5 U.S.C. 8423(b)(1)(B), (b)(2) and (b)(3)(B), filed with the Postal Service's section 3652 report.

(b) The values for market dominant revenue, total revenue and market dominant volumes needed for the calculation of retirement obligation rate authority in § 3010.183 shall be obtained from values reported in the Revenue, Pieces, and Weight report, filed by the Postal Service under § 3050.25 of this chapter.

(c) The values for additional rate authority previously provided under this subpart, if any, needed for the calculation of retirement obligation rate authority in § 3010.182 and the calculation of required minimum remittances under § 3010.183 shall be obtained from the Commission's prior determinations.

§ 3010.183 Calculation of retirement obligation rate authority.

(a) *Formulas*—(1) The formula for calculating the amount of retirement obligation rate authority available under this subpart, described in paragraph (b)(1) of this section, is as follows:

Additional rate authority in fiscal year T+1 =

$$\left(1+\frac{AP_T}{TR_T}-PARA_T\right)^{\frac{1}{5-N}}-1$$

Where,

T = most recently completed fiscal year

AP_T = total amortization payment for fiscal year T

TR_T = total revenue in fiscal year T

$PARA_T$ = previously authorized retirement obligation rate authority, compounded through fiscal year T, expressed as a proportion of the market dominant rate base and calculated using the formula in paragraph (a)(2) of this section as described in paragraph (b)(2) of this section

N = number of previously issued determinations in which retirement obligation rate authority was made available under this subpart

(2) The formula for calculating the amount of previously authorized retirement obligation rate authority through fiscal year T, described in paragraph (b)(2) of this section, is as follows:

Previously authorized retirement obligation rate authority through fiscal year T =

$$1-\left(\prod_{t=T-N}^{T}(1+r_t)\right)^{-1}$$

Where,

T = most recently completed fiscal year

r_t = retirement obligation rate authority authorized in fiscal year t

N = number of previously issued determinations in which retirement obligation rate authority was made available under this subpart

(c) *Calculations*—(1) The amount of retirement obligation rate authority available for a fiscal year shall be

calculated in four steps. First, the ratio of the total amortization payment for the fiscal year under review to the total revenue in the fiscal year under review shall be added to 1. This sum represents the factor by which an equal increase in market dominant and competitive rates in the fiscal year under review would generate sufficient additional revenue to make the full amortization payment. It does not account, however, for any previous rate authority authorized under this subpart. The second step is therefore to subtract the proportion of the market dominant rate base resulting from previously authorized retirement obligation rate authority. That proportion is calculated using the formula in § 3010.184(a)(2) as described in § 3010.183(b)(2) Third, to amortize the resulting amount of retirement obligation rate authority over the remainder of the phase-in period, the difference shall be raised to the power of the inverse of the number of determinations remaining in the phase-in period, including the current determination. Finally, 1 shall be subtracted from the result to convert from a proportional change in rates to a percentage of rate adjustment authority.

(2) The amount of previously authorized retirement obligation rate authority shall be calculated in two steps. First, the sums of 1 and the amount of retirement obligation rate authority authorized in each of the previous fiscal years shall be multiplied together. This product represents the compounded amount of such rate authority, expressed as a net rate increase. To express this product as a proportion of the market dominant rate base, the second step is to subtract the inverse of this product from 1.

§ 3010.184 Required minimum remittances.

(a) *Minimum remittances.* During each fiscal year subsequent to the year of the effective date of this subpart, the Postal Service shall remit towards the liabilities identified in § 3010.182 an amount equal to or greater than the amount of revenue collected as a result of all previous rate increases under this subpart during the previous fiscal year, as calculated using the formulas in paragraph (b) of this section, as described in paragraph (c) of this section.

(b) *Formulas*—(1) The formula for calculating the amount of revenue collected under this subpart during a fiscal year, described in paragraph (c)(1) of this section, is as follows:

Amount of revenue =

$$MDR_T\left(1-\left(\prod_{t=T-N}^{T}1+(p_t)(r_t)\right)^{-1}\right)$$

Where,

T = most recently completed fiscal year

MDR_T = market dominant revenue in fiscal year T

N = number of previously issued determinations in which retirement obligation rate authority was made available under this subpart

r_t = retirement obligation rate authority authorized in fiscal year t

p_t = prorated fraction of r_t that was in effect during fiscal year T, calculated using the formula in paragraph (a)(2) of this section, as described in paragraph (b)(2) of this section

(2) The formula for calculating the prorated fraction of retirement obligation rate authority authorized in a particular fiscal year *t* that was in effect during the most recently completed fiscal year, described in paragraph (c)(2) of this section, is as follows:

Prorated fraction =

$$\begin{cases} 0, & \text{if } r_t \text{ was not in effect during fiscal year T} \\ 1, & \text{if } r_t \text{ was in effect for all of fiscal year T} \\ \dfrac{\left(\frac{E_Q}{D_Q}\right)(QMDV_Q)+\sum_{i=Q+1}^{4}QMDV_i}{MDV_T}, & \text{if } r_t \text{ came into effect during fiscal year T} \end{cases}$$

Where,

T = most recently completed fiscal year

r_t = retirement obligation rate authority authorized under this subpart in fiscal year t

Q = the number of the quarter during the fiscal year of the effective date of the price increase including retirement obligation rate authority made available under this subpart

E_Q = number of days in quarter Q subsequent to and including the effective date of the price increase

D_Q = total number of days in quarter Q

$QMDV_Q$ = market dominant volume in quarter Q

MDV_T = market dominant volume in fiscal year T

(c) *Calculations*—(1) The amount of revenue collected under this subpart during a fiscal year, as calculated by the formula in paragraph (a)(1) of this section, shall be calculated in three steps. First, the sums of 1 and the amount of retirement obligation rate authority made available under this subpart during each previous fiscal year—prorated to account for mid-year price increases as described in paragraph (b)(2) of this section—shall by multiplied together. This product represents the proportion by which prices were higher during the most recently completed during the fiscal year as a result of retirement obligation rate authority. Second, to express this net price increase as a proportion of market dominant revenue, the inverse of this product shall be subtracted from 1. Finally, the result shall be multiplied by market dominant revenue for the fiscal year to change the proportion into a dollar amount.

(2) The prorated fraction of retirement obligation rate authority authorized in a particular fiscal year that was in effect during the most recently completed fiscal year, as calculated by the formula in paragraph (b)(2) of this section, shall be a piecewise function of three parts. First, if the retirement obligation rate authority authorized in a particular year was not in effect during the most recently completed fiscal year, the prorated fraction shall be 0. Second, if the retirement obligation rate authority

authorized in a particular year was in effect during the entirety of the most recently completed fiscal year, the prorated fraction shall be 1. Finally, if the retirement obligation rate authority authorized in a particular fiscal year was used to raise prices during the most recently completed fiscal year, the prorated fraction shall be the proportion of volume sent during the fiscal year after that rate increase went into effect.

(c) This proportion shall be calculated in four steps. First, the number of days of the fiscal quarter after and including the effective date of the price adjustment including the retirement obligation rate authority shall be divided by the total number of days in that fiscal quarter. This quotient determines the proportion of days in that quarter in which the higher rates were in effect. Second, that quotient shall be multiplied by the market dominant volume from that fiscal quarter to determine the amount of volume during the quarter receiving the higher rates. Third, that product shall be added to the market dominant volume from any subsequent quarters of the fiscal year because the volume in those quarters was also sent under the higher rates. Finally, this sum shall be divided by the total market dominant volume from the fiscal year to determine the proportion of annual volume sent after the rate increase went into effect.

§ 3010.185 Forfeiture.

(a) If any of the circumstances described in paragraphs (b) through (d) of this section occur, the Postal Service shall not be eligible for future retirement obligation rate authority under this subpart, and the Commission may commence additional proceedings as appropriate.

(b) If, subsequent to 45 calendar days after the effective date of this subpart and prior to the end of the phase-in period, the Postal Service fails to timely file the notice required under § 3010.181(b);

(c) In any fiscal year in which retirement obligation rate authority was determined to be available under this subpart, the Postal Service fails to timely file under § 3010.122 for a rate increase including the full amount of retirement obligation rate authority authorized under this subpart during that fiscal year, to take effect prior to the end of that fiscal year; or

(d) In any fiscal year including or subsequent to the first fiscal year in which rate authority under this subpart was used to adjust market dominant rates, the Postal Service's total payments towards the supplemental and unfunded liabilities identified in § 3010.182 are not equal to or greater than the minimum remittance required for that fiscal year under § 3010.184(a).

Subpart F—Performance-Based Rate Authority

§ 3010.200 Applicability.

(a) This subpart allocates performance-based rate authority of 1 percentage point for each class of mail, which is available upon meeting or exceeding both an operational efficiency-based requirement and adhering to a service standard-based requirement. This rate authority is allocated based on both meeting the operational efficiency-based requirement appearing in § 3010.201 and meeting the service standard-based requirement appearing in § 3010.202.

(b) The Postal Service shall file a notice with the Commission by December 31 of each year that demonstrates whether or not performance-based rate authority is eligible to be authorized under this subpart.

(c) The Commission shall review the Postal Service's notice and any challenges filed pursuant to § 3010.202(b) and announce how much, if any, rate authority will be authorized under this subpart. Any rate authority allocated under this subpart:

(1) Shall be made available to the Postal Service as of the date of the Commission's announcement;

(2) Must be included in the calculation of the maximum rate adjustment authority in the first generally applicable rate adjustment filed after the Commission's announcement;

(3) Shall lapse if unused, 12 months after the Commission's announcement; and

(4) May not be used to generate unused rate authority, nor shall it affect existing banked rate authority.

§ 3010.201 Operational efficiency-based requirement.

The operational efficiency-based requirement is met if the Postal Service's Total Factor Productivity for the measured fiscal year exceeds the previous fiscal year as determined by the Commission.

§ 3010.202 Service standard-based requirement.

(a) The service standard-related criteria is met if all of the Postal Service's service standards (including applicable business rules) for that class during the applicable fiscal year meet or exceed the service standards in place for the prior fiscal year on a nationwide or substantially nationwide basis as determined by the Commission.

(b) Any interested person may file a challenge to the notice provided by the Postal Service under § 3010.200(b) by March 15 of each year. The scope of such a challenge shall be limited to whether or not the Postal Service's service standards (including applicable business rules) during the applicable fiscal year met or exceeded the service standards in place for the prior fiscal year on a nationwide or substantially nationwide basis. The Commission shall issue an order which rules on any challenge as soon as practicable.

Subpart G—Non-Compensatory Classes or Products

§ 3010.220 Applicability.

This subpart is applicable to a class or product where the attributable cost for that class or product exceeded the revenue from that class or product as determined by the Commission. Section 3010.221 is applicable where the attributable cost for a product within a class exceeded the revenue from that particular product. Section 3010.222 is applicable where the attributable cost for an entire class exceeded the revenue from that class.

§ 3010.221 Individual product requirement.

Whenever the Postal Service files a rate adjustment filing affecting a class of mail which includes a product where the attributable cost for that product exceeded the revenue from that product, as determined by the Commission, the Postal Service shall increase the rates for each non-compensatory product by a minimum of 2 percentage points above the percentage increase for that class. This section does not create additional rate authority applicable to any class of mail.

§ 3010.222 Class requirement and additional class rate authority.

(a) This section provides 2 percentage points of additional rate authority for any class of mail where the attributable cost for that class exceeded the revenue from that class as determined by the Commission. This additional rate authority is optional and may be used at the Postal Service's discretion.

(b) The Commission shall announce how much, if any, rate authority will be authorized under this subpart. Any rate authority allocated under this subpart:

(1) Shall be made available to the Postal Service as of the date of the Commission's announcement;

(2) Must be included in the calculation of the maximum rate adjustment authority change in rates in the first generally applicable rate

adjustment filed after the Commission's announcement;

(3) Shall lapse if unused, within 12 months of the Commission's announcement; and

(4) May not be used to generate unused rate authority, nor shall it affect existing banked rate authority.

Subpart H—Accumulation of Unused and Disbursement of Banked Rate Adjustment Authority

§ 3010.240 General.

Unless a specific exception applies, unused rate adjustment authority, on a class-by-class basis, shall be calculated for each rate adjustment filing. Unused rate adjustment authority shall be added to the schedule of banked rate authority in each instance, and be available for application to rate adjustments pursuant to the requirements of this subpart.

§ 3010.241 Schedule of banked rate adjustment authority.

Upon the establishment of unused rate adjustment authority, the Postal Service shall devise and maintain a schedule that tracks the establishment and subsequent use of banked rate authority on a class-by-class basis. At a minimum, the schedule must track the amount of banked rate authority available immediately prior to the rate adjustment filing and the amount of banked rate authority available upon acceptance of the rates included in the rate adjustment filing. It shall also track all changes to the schedule, including the docket numbers of Commission decisions affecting the schedule, the dates and amounts that any rate authority was generated or subsequently expended, and the expiration dates of all rate adjustment authority. The schedule shall be included with any rate adjustment filing purporting to modify the amount of banked rate adjustment authority.

§ 3010.242 Calculation of unused rate adjustment authority for rate adjustments that involve a rate increase which are filed 12 months apart or less.

(a) When rate adjustment filings that involve a rate increase are filed 12 months apart or less, unused rate adjustment authority for a class is equal to the difference between the maximum rate adjustment authority as summarized by § 3010.127 and calculated pursuant to subparts C through H of this part, as appropriate, and the percentage change in rates for the class calculated pursuant to § 3010.128, subject to the limitations described in paragraphs (b) and (c) of this section.

(b) Unused rate adjustment authority cannot be generated and is assumed to be 0 percent for classes subject to § 3010.222, Class requirement and additional class rate authority.

(c) For rate adjustment filings that involve a rate increase, unused rate adjustment authority cannot exceed the unused portion of rate authority calculated pursuant to subpart C of this part.

§ 3010.243 Calculation of unused rate adjustment authority for rate adjustments that involve a rate increase which are filed more than 12 months apart.

(a) When rate adjustment filings that involve a rate increase are filed more than 12 months apart, any interim rate adjustment authority must first be added to the schedule of banked rate authority before the unused rate adjustment authority is calculated.

(b) Interim rate adjustment authority for a class is equal to the Base Average applicable to the second rate adjustment filing (as developed pursuant to § 3010.142) divided by the Recent Average utilized in the first rate adjustment filing (as developed pursuant to § 3010.142) and subtracting 1 from the quotient. The result is expressed as a percentage and immediately added to the schedule of banked rate authority as of the date the rate adjustment filing is filed.

(c) Unused rate adjustment authority for a class is equal to the difference between the maximum rate adjustment authority as summarized by § 3010.127 and calculated pursuant to subparts C through H of this part, as appropriate, and the percentage change in rates for the class calculated pursuant to § 3010.128, subject to the limitations described in paragraphs (d) and (e) of this section.

(d) Unused rate adjustment authority cannot be generated and is assumed to be 0 percent for classes subject to § 3010.222, Class requirement and additional class rate authority.

(e) For rate adjustment filings that involve a rate increase, unused rate adjustment authority cannot exceed the unused portion of rate authority calculated pursuant to subpart C of this part.

§ 3010.244 Calculation of unused rate adjustment authority for rate adjustments that only include rate decreases.

(a) For rate adjustment filings that only include rate decreases, unused rate adjustment authority for a class is calculated in two steps. First, the difference between the maximum rate adjustment authority as summarized by § 3010.127 and calculated pursuant to subparts C through H of this part, as appropriate, for the most recent rate adjustment that involves a rate increase and the percentage change in rates for the class calculated pursuant to § 3010.128(d) is calculated. Second, the unused rate adjustment authority generated in the most recent rate adjustment that involves a rate increase is subtracted from that result.

(b) Unused rate adjustment authority generated under paragraph (a) of this section for a class shall be added to the unused rate adjustment authority generated in the most recent rate adjustment that involves a rate increase on the schedule maintained under § 3010.241. For purposes of § 3010.244, the unused rate adjustment authority generated under paragraph (a) of this section for a class shall be deemed to have been added to the schedule maintained under § 3010.241 on the same date as the most recent rate adjustment filing that involves a rate increase.

(c) For rate adjustment filings that only include rate decreases, the sum of unused rate adjustment authority generated under paragraph (a) of this section and the unused rate adjustment authority generated in the most recent rate adjustment that involves a rate increase cannot exceed the unused portion of rate adjustment authority calculated pursuant to subpart C of this part in the most recent rate adjustment that involves a rate increase.

(d) Unused rate adjustment authority generated under paragraph (a) of this section shall be subject to the limitation under § 3010.245, regardless of whether it is used alone or in combination with other existing unused rate adjustment authority.

(e) For rate adjustment filings that only include rate decreases, unused rate adjustment authority generated under this section lapses 5 years from the date of filing of the most recent rate adjustment filing that involves a rate increase.

(f) A rate adjustment filing that only includes rate decreases that is filed immediately after a rate adjustment due to extraordinary or exceptional circumstances (*i.e.,* without an intervening rate adjustment involving a rate increase) may not generate unused rate adjustment authority.

§ 3010.245 Application of banked rate authority.

(a) Banked rate authority may be applied to any planned rate adjustment subject to the limitations appearing in paragraphs (b) through (f) of this section.

(b) Banked rate authority may only be applied to a proposal to adjust rates

after applying rate authority as described in subparts C through F of this part and in § 3010.222, Class requirement and additional class rate authority.

(c) A maximum of 2 percentage points of banked rate authority may be applied to a rate adjustment for any class in any 12-month period. If banked rate authority is used, it shall be subtracted from the schedule of banked rate adjustment authority as of the date of the final order accepting the rates.

(d) Subject to paragraphs (b) and (c) of this section, interim rate adjustment authority may be used to make a rate adjustment pursuant to the rate adjustment filing that led to its calculation. If interim rate adjustment authority is used to make such a rate adjustment, the interim rate adjustment authority generated pursuant to the rate adjustment filing shall first be added to the schedule of banked rate adjustment authority pursuant to § 3010.241 as the most recent entry. Then, any interim rate adjustment authority used in accordance with this paragraph shall be subtracted from the existing banked rate adjustment authority using a first-in, first-out (FIFO) method, beginning 5 years before the instant rate adjustment filing.

(e) Banked rate authority for a class must be applied, using a first-in, first-out (FIFO) method, beginning 5 years before the instant rate adjustment filing.

(f) Banked rate adjustment authority calculated under this section shall lapse 5 years from the date of the rate adjustment filing leading to its calculation.

Subpart I—Rate Adjustments Due to Extraordinary and Exceptional Circumstances

§ 3010.260 General.

The Postal Service may request to adjust rates for market dominant products due to extraordinary or exceptional circumstances pursuant to 39 U.S.C. 3622(d)(1)(E). The rate adjustments are not subject to rate adjustment limitations or the restrictions on the use of unused rate adjustment authority. The rate adjustment request may not include material classification changes. The request is subject to public participation and Commission review within 90 days.

§ 3010.261 Contents of a request.

(a) Each exigent request shall include the items specified in paragraphs (b) through (i) of this section.

(b) A schedule of the planned rates.

(c) Calculations quantifying the increase for each affected product and class.

(d) A full discussion of the extraordinary or exceptional circumstances giving rise to the request, and a complete explanation of how both the requested overall increase and the specific rate adjustments requested relate to those circumstances.

(e) A full discussion of why the requested rate adjustments are necessary to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

(f) A full discussion of why the requested rate adjustments are reasonable and equitable as among types of users of market dominant products.

(g) An explanation of when, or under what circumstances, the Postal Service expects to be able to rescind the exigent rate adjustments in whole or in part.

(h) An analysis of the circumstances giving rise to the exigent request, which should, if applicable, include a discussion of whether the circumstances were foreseeable or could have been avoided by reasonable prior action.

(i) Such other information as the Postal Service believes will assist the Commission in issuing a timely determination of whether the requested rate adjustments are consistent with applicable statutory policies.

§ 3010.262 Supplemental information.

The Commission may require the Postal Service to provide clarification of its request or to provide additional information in order to gain a better understanding of the circumstances leading to the request or the justification for the specific rate adjustments requested. The Postal Service shall include within its request the identification of one or more knowledgeable Postal Service official(s) who will be available to provide prompt responses to Commission requests for clarification or additional information.

§ 3010.263 Docket and notice.

(a) The Commission will establish a docket for each request to adjust rates due to extraordinary or exceptional circumstances, publish notice of the request in the **Federal Register**, and post the filing on its website. The notice shall include the items specified in paragraphs (b) through (g) of this section.

(b) The general nature of the proceeding.

(c) A reference to legal authority under which the proceeding is to be conducted.

(d) A concise description of the proposals for changes in rates, fees, and the Mail Classification Schedule.

(e) The identification of an officer of the Commission to represent the interests of the general public in the docket.

(f) A specified period for public comment.

(g) Such other information as the Commission deems appropriate.

§ 3010.264 Public hearing.

(a) The Commission will hold a public hearing on the Postal Service's request. During the public hearing, responsible Postal Service officials will appear and respond under oath to questions from the Commissioners or their designees addressing previously identified aspects of the Postal Service's request and supporting information.

(b) Interested persons will be given an opportunity to submit to the Commission suggested relevant questions that might be posed during the public hearing. Such questions, and any explanatory materials submitted to clarify the purpose of the questions, should be filed in accordance with § 3001.9 of this chapter, and will become part of the administrative record of the proceeding.

(c) The timing and length of the public hearing will depend on the nature of the circumstances giving rise to the request and the clarity and completeness of the supporting materials provided with the request.

(d) If the Postal Service is unable to provide adequate explanations during the public hearing, supplementary written or oral responses may be required.

§ 3010.265 Opportunity for comments.

(a) Following the conclusion of the public hearings and submission of any supplementary materials, interested persons will be given the opportunity to submit written comments on:

(1) The sufficiency of the justification for an exigent rate adjustment;

(2) The adequacy of the justification for adjustments in the amounts requested by the Postal Service; and

(3) Whether the specific rate adjustments requested are reasonable and equitable.

(b) An opportunity to submit written reply comments will be given to the Postal Service and other interested persons.

§ 3010.266 Deadline for Commission decision.

Requests under this subpart seek rate relief required by extraordinary or exceptional circumstances and will be

treated with expedition at every stage. It is Commission policy to provide appropriate relief as quickly as possible consistent with statutory requirements and procedural fairness. The Commission will act expeditiously on the Postal Service's request, taking into account all written comments. In every instance, a Commission decision will be issued within 90 days of the filing of an exigent request.

§ 3010.267 Treatment of banked rate adjustment authority.

(a) Each request will identify the banked rate adjustment authority available as of the date of the request for each class of mail and the available amount for each of the preceding 5 years.

(b) Rate adjustments may use existing banked rate adjustment authority in amounts greater than the limitations described in § 3010.245.

(c) Increases will exhaust all banked rate adjustment authority for each class of mail before imposing additional rate adjustments in excess of the maximum rate adjustment for any class of mail.

Subpart J—Workshare Discounts

§ 3010.280 Applicability.

This subpart is applicable whenever the Postal Service proposes to adjust a rate associated with a workshare discount. For the purpose of this subpart, the cost avoided by the Postal Service for not providing the applicable service refers to the amount identified in the most recently applicable Annual Compliance Determination, unless the Commission otherwise provides.

§ 3010.281 Calculation of passthroughs for workshare discounts.

For the purpose of this subpart, the percentage passthrough for any workshare discount shall be calculated by dividing the workshare discount by the cost avoided by the Postal Service for not providing the applicable service and expressing the result as a percentage.

§ 3010.282 Increased pricing efficiency.

(a) For a workshare discount that is equal to the cost avoided by the Postal Service for not providing the applicable service, no proposal to adjust a rate associated with that workshare discount may change the size of the discount.

(b) For a workshare discount that exceeds the cost avoided by the Postal Service for not providing the applicable service, no proposal to adjust a rate associated with that workshare discount may increase the size of the discount.

(c) For a workshare discount that is less than the cost avoided by the Postal Service for not providing the applicable service, no proposal to adjust a rate associated with that workshare discount may decrease the size of the discount.

§ 3010.283 Limitations on excessive discounts.

(a) No proposal to adjust a rate may set a workshare discount that would exceed the cost avoided by the Postal Service for not providing the applicable service, unless at least one of the following reasons provided in paragraphs (b) through (e) of this section applies.

(b) The proposed workshare discount is associated with a new postal service, a change to an existing postal service, or a new workshare initiative.

(c) The proposed workshare discount is a minimum of 20 percent less than the existing workshare discount.

(d) The proposed workshare discount is set in accordance with a Commission order issued pursuant to § 3010.286.

(e) The proposed workshare discount is provided in connection with a subclass of mail, consisting exclusively of mail matter of educational, cultural, scientific, or informational value (39 U.S.C. 3622(e)(2)(C)) and is in compliance with § 3010.285(c).

§ 3010.284 Limitations on discounts below avoided cost.

(a) No proposal to adjust a rate may set a workshare discount that would be below the cost avoided by the Postal Service for not providing the applicable service, unless at least one of the following reasons provided in paragraphs (b) through (e) of this section applies.

(b) The proposed workshare discount is associated with a new postal service, a change to an existing postal service, or a new workshare initiative.

(c) The proposed workshare discount is a minimum of 20 percent more than the existing workshare discount.

(d) The proposed workshare discount is set in accordance with a Commission order issued pursuant to § 3010.286.

(e) The percentage passthrough for the proposed workshare discount is at least 85 percent.

§ 3010.285 Proposal to adjust a rate associated with a workshare discount.

(a) Each proposal to adjust a rate associated with a workshare discount shall be supported by substantial evidence and demonstrate that each proposed workshare discount has been set in compliance with 39 U.S.C. 3622(e) and this subpart. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

(b) For each proposed workshare discount that would exceed the cost avoided by the Postal Service for not providing the applicable service, the rate adjustment filing shall indicate the applicable paragraph of § 3010.283 under which the Postal Service is justifying the excessive discount and include any relevant analysis supporting the claim.

(c) For each proposed workshare discount that is provided in connection with a subclass of mail, consisting exclusively of mail matter of educational, cultural, scientific, or informational value (39 U.S.C. 3622(e)(2)(C)), would exceed the cost avoided by the Postal Service for not providing the applicable service, and would not be set in accordance with at least one specific provision appearing in § 3010.283(b) through (d), the rate adjustment filing shall provide the information specified in paragraphs (c)(1) through (3) of this section:

(1) The number of mail owners receiving the workshare discount during the most recent full fiscal year and for the current fiscal year to date;

(2) The number of mail owners for the applicable product or products in the most recent full fiscal year and for the current fiscal year to date; and

(3) An explanation of how the proposed workshare discount would promote the public interest, even though the proposed workshare discount would substantially exceed the cost avoided by the Postal Service.

(d) For each proposed workshare discount that would be below the cost avoided by the Postal Service for not providing the applicable service, the rate adjustment filing shall indicate the applicable paragraph of § 3010.284 under which the Postal Service is justifying the discount that is below the cost avoided and include any relevant analysis supporting the claim.

§ 3010.286 Application for waiver.

(a) In every instance in which the Postal Service determines to adjust a rate associated with a workshare discount in a manner that does not comply with the limitations imposed by §§ 3010.283 through 3010.284, the Postal Service shall file an application for waiver. The Postal Service must file any application for waiver at least 60 days prior to filing the proposal to adjust a rate associated with the applicable workshare discount. In its application for waiver, the Postal Service shall indicate the approximate filing date for its next rate adjustment filing.

(b) The application for waiver shall be supported by a preponderance of the

evidence and demonstrate that a waiver from the limitations imposed by §§ 3010.283 through 3010.284 should be granted. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(c) The application for waiver shall include a specific and detailed statement signed by one or more knowledgeable Postal Service official(s) who sponsors the application and attests to the accuracy of the information contained within the statement. The statement shall set forth the information specified in paragraphs (c)(1) through (8) of this section, as applicable to the specific workshare discount for which a waiver is sought:

(1) The reason(s) why a waiver is alleged to be necessary (with justification thereof), including all relevant supporting analysis and all assumptions relied upon.

(2) The length of time for which a waiver is alleged to be necessary (with justification thereof).

(3) For each subsequent rate adjustment filing planned to occur during the length of time for which a waiver is sought, a representation of the proposed minimum amount of the change to the workshare discount.

(4) For a claim that the amount of the workshare discount exceeding the cost avoided by the Postal Service for not providing the applicable service is necessary in order to mitigate rate shock (39 U.S.C. 3622(e)(2)(B)), the Postal Service shall provide an explanation addressing all of the items specified in paragraphs (c)(4)(i) through (iii) of this section:

(i) A description of the customers that the Postal Service claims would be adversely affected.

(ii) Prices and volumes for the workshare discount at issue (the benchmark and workshared mail category) for the last 10 years.

(iii) Quantitative analysis or, if not available, qualitative analysis indicating the nature and extent of the likely harm to the customers that would result from setting the workshare discount in compliance with § 3010.283(c).

(5) For a claim that setting an excessive or low workshare discount closer or equal to the cost avoided by the Postal Service for not providing the applicable service would impede the efficient operation of the Postal Service, the Postal Service shall provide an explanation addressing all of the items specified in paragraphs (c)(5)(i) through (iii) of this section:

(i) A description of the operational strategy at issue.

(ii) Quantitative analysis or, if not available, qualitative analysis indicating how the workshare discount at issue is related to that operational strategy.

(iii) How setting the workshare discount in compliance with § 3010.283(c) or § 3010.284(c), whichever is applicable, would impede that operational strategy.

(6) For a claim that reducing or eliminating the excessive workshare discount would lead to a loss of volume in the affected category of mail and reduce the aggregate contribution to the Postal Service's institutional costs from the mail that is subject to the discount (39 U.S.C. 3622(e)(3)(A)), the Postal Service shall provide an explanation addressing all of the items specified in paragraphs (c)(6)(i) through (iii) of this section:

(i) A description of the affected category of mail.

(ii) Quantitative analysis or, if not available, qualitative analysis indicating the expected loss of volume and reduced contribution that is claimed would result from reducing or eliminating the excessive workshare discount.

(iii) How setting the excessive workshare discount in compliance with § 3010.283(c) would lead to the expected loss of volume and reduced contribution.

(7) For a claim that reducing or eliminating the excessive workshare discount would result in a further increase in the rates paid by mailers not able to take advantage of the workshare discount (39 U.S.C. 3622(e)(3)(B)), the Postal Service shall provide an explanation addressing all of the items specified in paragraphs (c)(7)(i) through (iii) of this section:

(i) A description of the mailers not able to take advantage of the discount.

(ii) Quantitative analysis or, if not available, qualitative analysis indicating the expected size of the rate increase that is claimed would result in the rates paid by mailers not able to take advantage of the discount.

(iii) How setting the excessive workshare discount in compliance with § 3010.283(c) would result in a further increase in the rates paid by mailers not able to take advantage of the discount.

(8) Any other relevant factors or reasons to support the application for waiver.

(d) Unless the Commission otherwise provides, commenters will be given at least 7 calendar days to respond to the application for waiver after it has been filed by the Postal Service.

(e) To better evaluate the waiver application, the Commission may, on its own behalf or by request of any interested person, order the Postal Service to provide experts on the subject matter of the waiver application to participate in technical conferences, prepare statements clarifying or supplementing their views, or answer questions posed by the Commission or its representatives.

(f) For a proposed workshare discount that would exceed the cost avoided by the Postal Service for not providing the applicable service, the application for waiver shall be granted only if at least one provision appearing in 39 U.S.C. 3622(e)(2)(A) through (e)(2)(D) or 39 U.S.C. 3622(e)(3)(A) through (e)(3)(B) is determined to apply.

(g) For a proposed workshare discount that would be set below the cost avoided by the Postal Service for not providing the applicable service, the application for waiver shall be granted only if setting the workshare discount closer or equal to the cost avoided by the Postal Service for not providing the applicable service would impede the efficient operation of the Postal Service.

(h) The Commission will issue an order announcing, at a minimum, whether the requested waiver will be granted or denied no later than 21 days following the close of any comment period(s). An order granting the application for waiver shall specify all conditions upon which the waiver is granted, including the date upon which the waiver shall expire.

PART 3020—PRODUCT LISTS

■ 2. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 3. Amend § 3020.32 by revising paragraphs (a) and (b) to read as follows:

§ 3020.32 Supporting justification.

* * * * *

(a) Explain the reason for initiating the docket and explain why the change is not inconsistent with the applicable requirements of this part and any applicable Commission directives and orders;

(b) Explain why, as to market dominant products, the change is not inconsistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code;

* * * * *

■ 4. Amend § 3020.52 by revising paragraphs (a) and (b) to read as follows:

§ 3020.52 Supporting justification.

* * * * *

(a) Explain the reason for initiating the docket and explain why the change is not inconsistent with the applicable

requirements of this part and any applicable Commission directives and orders;

(b) Explain why, as to market dominant products, the change is not inconsistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code;

* * * * *

■ 5. Amend § 3020.72 by revising paragraphs (a) and (b) to read as follows:

§ 3020.72 Supporting justification.

* * * * *

(a) Explain the reason for initiating the docket and explain why the change is not inconsistent with the applicable requirements of this part and any applicable Commission directives and orders;

(b) Explain why, as to market dominant products, the change is not inconsistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code;

* * * * *

■ 6. Amend § 3020.81 by revising paragraph (b)(1) to read as follows:

§ 3020.81 Supporting justification for material changes to product descriptions.

* * * * *

(b)(1) As to market dominant products, explain why the changes are not inconsistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code, the applicable requirements of this part, and any applicable Commission directives and orders; or

* * * * *

■ 7. Amend § 3020.82 by revising paragraph (e) to read as follows:

§ 3020.82 Docket and notice of material changes to product descriptions.

* * * * *

(e) Provide interested persons with an opportunity to comment on whether the proposed changes are consistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code, the applicable requirements of this part, and any applicable Commission directives and orders.

■ 8. Amend § 3020.90 by revising paragraph (c)(2) to read as follows:

§ 3020.90 Minor corrections to product descriptions.

* * * * *

(c) * * *

(2) Explain why the proposed corrections are consistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code, the applicable requirements of this part, and any applicable Commission directives and orders; and

* * * * *

■ 9. Amend § 3020.91 by revising paragraph (e) to read as follows:

§ 3020.91 Docket and notice of minor corrections to product descriptions.

* * * * *

(e) Provide interested persons with an opportunity to comment on whether the proposed corrections are consistent with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code, the applicable requirements of this part, and any applicable Commission directives and orders.

■ 10. Add subpart G to read as follows:

Subpart G—Requests for Market Dominant Negotiated Service Agreements

Sec.

§ 3020.120 General.

This subpart imposes additional requirements whenever there is a request to add a negotiated service agreement to the market dominant product list. The additional supporting justification appearing in § 3020.121 also should be provided whenever the Postal Service proposes to modify the terms of an existing market dominant negotiated service agreement. Commission findings that the addition of a special classification is not inconsistent with 39 U.S.C. 3622 are provisional and subject to subsequent review. No rate(s) shall take effect until 45 days after the Postal Service files a request for review of a notice of a new rate or rate(s) adjustment specifying the rate(s) and the effective date.

§ 3020.121 Additional supporting justification for negotiated service agreements.

(a) Each request shall also include the items specified in paragraphs (b) through (j) of this section.

(b) A copy of the negotiated service agreement.

(c) The planned effective date(s) of the planned rates.

(d) The identity of a responsible Postal Service official who will be available to provide prompt responses to requests for clarification from the Commission.

(e) A statement identifying all parties to the agreement and a description clearly explaining the operative components of the agreement.

(f) Details regarding the expected improvements in the net financial position or operations of the Postal Service (39 U.S.C. 3622(c)(10)(A)(i) and (ii)). The projection of the change in net financial position as a result of the agreement shall be based on accepted analytical principles. The projection of the change in net financial position as a result of the agreement shall include for each year of the agreement:

(1) The estimated mailer-specific costs, volumes, and revenues of the Postal Service absent the implementation of the negotiated service agreement;

(2) The estimated mailer-specific costs, volumes, and revenues of the Postal Service which result from implementation of the negotiated service agreement;

(3) An analysis of the effects of the negotiated service agreement on the contribution to institutional costs from mailers not party to the agreement;

(4) If mailer-specific costs are not available, the source and derivation of the costs that are used shall be provided, together with a discussion of the currency and reliability of those costs and their suitability as a proxy for the mailer-specific costs; and

(5) If the Postal Service believes the Commission's accepted analytical principles are not the most accurate and reliable methodology available:

(i) An explanation of the basis for that belief; and

(ii) A projection of the change in net financial position resulting from the agreement made using the Postal Service's alternative methodology.

(g) An identification of each component of the agreement expected to enhance the performance of mail preparation, processing, transportation, or other functions in each year of the agreement, and a discussion of the nature and expected impact of each such enhancement.

(h) Details regarding any and all actions (performed or to be performed) to assure that the agreement will not result in unreasonable harm to the marketplace (39 U.S.C. 3622(c)(10)(B)).

(i) A discussion in regard to how functionally similar negotiated service agreements will be made available on public and reasonable terms to similarly situated mailers.

(j) Such other information as the Postal Service believes will assist the Commission in issuing a timely determination of whether the requested changes are consistent with applicable statutory policies.

§ 3020.122 Data collection plan and report for negotiated service agreements.

(a) The Postal Service shall include with any request concerning a negotiated service agreement a detailed plan for providing data or information on actual experience under the agreement sufficient to allow evaluation of whether the negotiated service agreement operates in compliance with 39 U.S.C. 3622(c)(10).

(b) A data report under the plan is due 60 days after each anniversary date of implementation and shall include, at a minimum, the following information for each 12-month period the agreement has been in effect:

(1) The change in net financial position of the Postal Service as a result of the agreement. This calculation shall include for each year of the agreement:

(i) The actual mailer-specific costs, volumes, and revenues of the Postal Service;

(ii) An analysis of the effects of the negotiated service agreement on the net overall contribution to the institutional costs of the Postal Service; and

(iii) If mailer-specific costs are not available, the source and derivation of the costs that are used shall be provided, including a discussion of the currency and reliability of those costs and their suitability as a proxy for the mailer-specific costs.

(2) A discussion of the changes in operations of the Postal Service that have resulted from the agreement. This shall include, for each year of the agreement, identification of each component of the agreement known to enhance the performance of mail preparation, processing, transportation, or other functions in each year of the agreement.

(3) An analysis of the impact of the negotiated service agreement on the marketplace, including a discussion of any and all actions taken to protect the marketplace from unreasonable harm.

PART 3050—PERIODIC REPORTING

■ 11. The authority citation for part 3050 continues to read as follows:

Authority: 39 U.S.C. 503; 3651; 3652; 3653.

■ 12. Amend § 3050.20 by revising paragraph (c) to read as follows:

§ 3050.20 Compliance and other analyses in the Postal Service's section 3652 report.

* * * * *

(c) It shall address such matters as non-compensatory rates and failures to achieve stated goals for on-time delivery standards. A more detailed analysis is required when the Commission observed and commented upon the same matter in its Annual Compliance Determination for the previous fiscal year.

■ 13. Amend § 3050.21 by:

■ a. Revising paragraphs (a), (e), and (m); and

■ b. Adding paragraphs (n) and (o).

The revisions and additions read as follows:

§ 3050.21 Content of the Postal Service's section 3652 report.

(a) No later than 90 days after the close of each fiscal year, the Postal Service shall submit a report to the Commission analyzing its cost, volume, revenue, rate, and service information in sufficient detail to demonstrate that all products during such year comply with all applicable provisions of title 39 of the United States Code. The report shall provide the items in paragraphs (b) through (o) of this section.

* * * * *

(e) For each market dominant workshare discount offered during the reporting year:

(1) The per-item cost avoided by the Postal Service by virtue of such discount;

(2) The percentage of such per-item cost avoided that the per-item workshare discount represents;

(3) The per-item contribution made to institutional costs;

(4) The factual and analytical bases for any claim that one or more of the exception provisions of 39 U.S.C. 3622(e)(2)(A) through (e)(2)(D) or 39 U.S.C. 3622(e)(3)(A) through (e)(3)(B) apply; and

(5) For each workshare discount that is provided in connection with a subclass of mail, consisting exclusively of mail matter of educational, cultural, scientific, or informational value (39 U.S.C. 3622(e)(2)(C)), exceeded the cost avoided by the Postal Service for not providing the applicable service, and was not set in accordance with at least one specific provision appearing in § 3010.262(b) through (d) of this chapter, the information specified in paragraphs (5)(i) through (iii) of this section:

(i) The number of mail owners receiving the workshare discount;

(ii) The number of mail owners for the applicable product or products; and

(iii) An explanation of how the workshare discount promotes the public interest, even though the workshare discount substantially exceeds the cost avoided by the Postal Service.

* * * * *

(l) For the Inbound Letter Post product, provide revenue, volume, attributable cost, and contribution data by Universal Postal Union country group and by shape for the fiscal year subject to review and each of the preceding 4 fiscal years;

(m) Input data and calculations used to produce the annual Total Factor Productivity estimates;

(n) Copies of notifications to the Postal Service by the Office of Personnel Management (OPM) of annual determinations of the funding amounts specific to payments at the end of each fiscal year computed under 5 U.S.C. 8909a(d)(2)(B) and 5 U.S.C. 8909a(d)(3)(B)(ii); 5 U.S.C. 8348(h)(2)(B) and 5 U.S.C. 8423(b)(3)(B); 5 U.S.C. 8423(b)(1)(B) and 5 U.S.C. 8423(b)(2); and

(o) Provide any other information that the Postal Service believes will help the Commission evaluate the Postal Service's compliance with the applicable provisions of title 39 of the United States Code.

■ 14. Add § 3050.55 to read as follows:

§ 3050.55 Information pertaining to cost reduction initiatives.

(a) The reports in paragraphs (b) through (f) of this section shall be filed with the Commission at the times indicated.

(b) Within 95 days after the end of each fiscal year, the Postal Service shall file a financial report that analyzes cost data from the fiscal year. For purposes of this paragraph, the percentage change shall compare the fiscal year under review to the previous fiscal year. At a minimum, the report shall include:

(1) For all market dominant mail, the percentage change in total unit attributable cost;

(2) For each market dominant mail product, the percentage change in unit attributable cost;

(3) For the system as a whole, total average cost per piece, which includes all Postal Service competitive and market dominant attributable costs and institutional costs,

(4) The percentage change in total average cost per piece;

(5) Market dominant unit attributable cost by product;

(6) If the percentage change in unit attributable cost for a market dominant mail product is more than 0.0 percent and exceeds the percentage change in total market dominant mail unit attributable cost, then the following information shall be provided:

(i) Unit attributable cost workpapers for the product disaggregated into the following cost categories: Mail processing unit cost, delivery unit cost, vehicle service driver unit cost, purchased transportation unit cost, window service unit cost, and other unit cost;

(ii) A narrative that identifies cost categories that are driving above average increases in unit attributable cost for the product and explains the reason for the above-average increase; and

(iii) A specific plan to reduce unit attributable cost for the product.

(7) An analysis of volume trends and mail mix changes for each market dominant mail product from fiscal year 2017 through the end of the fiscal year under review, which shall include at a minimum:

(i) A comparison of actual unit attributable costs and estimated unit attributable costs for each market dominant mail product, using the volume distribution from fiscal year 2017;

(ii) A narrative that identifies the drivers of change in volume trends and the mail mix; and

(iii) A narrative that explains the methodology used to calculate the estimated unit attributable costs as required by paragraph (b)(7)(i) of this section.

(c) Within 95 days after the end of each fiscal year, the Postal Service shall file a report with analysis of each planned cost reduction initiative that is expected to require Postal Service total expenditures of $5 million or more over the duration of the initiative. At a minimum, the report shall include:

(1) A narrative that describes each cost reduction initiative planned for future fiscal years, including the status, the expected total expenditure, start date, end date, and any intermediate deadlines;

(2) Identification of a metric to measure the impact of each planned cost reduction initiative identified in paragraph (c)(1) of this section, a narrative describing the selected metric, a narrative explaining the reason for selecting that metric, and a schedule approximating the months and fiscal years in which the cost reduction impact is expected to be measureable;

(3) Estimates of the expected impact of each planned cost reduction initiative, with supporting workpapers, using the metric identified in paragraph (c)(2) of this section, total market dominant mail attributable unit cost, and total unit cost as calculated pursuant to paragraph (b)(3) of this section.

(d) Within 95 days after the end of each fiscal year, the Postal Service shall file a report that describes each active cost reduction initiative during the fiscal year which incurred or is expected to incur Postal Service expenditures of $5 million or more over the duration of the initiative. At a minimum, the report shall include:

(1) The information described in paragraphs (c)(1) through (c)(3) of this section, based on actual data for the fiscal year, and a specific statement as to whether the initiative actually achieved the expected impact as measured by the selected metric;

(2) An explanation of the trends, changes, or other reasons that caused any variance between the actual information provided under paragraph (d)(1) of this section and the estimated information previously provided under paragraphs (c)(1) through (c)(3) of this section, if applicable;

(3) A description of any mid-implementation adjustments the Postal Service has taken or will take to align the impacts with the schedule; and

(4) Any revisions to the schedule of cost reduction impacts for future fiscal years.

(e) Within 95 days after the end of each fiscal year, the Postal Service shall file a report that summarizes all projects associated with a Decision Analysis Report for the fiscal year. At a minimum, the report shall include:

(1) A description of each project;

(2) The status of each project;

(3) An estimate of cost savings or additional revenues from each project; and

(4) The return on investment expected from each project.

(f) Within 95 days after the end of each fiscal year, the Postal Service shall file a report that summarizes all planned projects that will require a Decision Analysis Report in the next fiscal year. At a minimum, the report shall include:

(1) A description of each planned project;

(2) The status of each project;

(3) An estimate of the cost savings or additional revenues expected from each project; and

(4) The return on investment expected from each project.

■ 15. Amend § 3050.60 by:

■ a. Revising paragraph (a);

■ b. Removing paragraph (e);

■ c. Redesignating paragraphs (f) and (g) as paragraphs (e); and (f).

The revision reads as follows:

§ 3050.60 Miscellaneous reports and documents.

(a) The reports in paragraphs (b) through (f) of this section shall be provided at the times indicated.

* * * * *

PART 3055—SERVICE PERFORMANCE AND CUSTOMER SATISFACTION REPORTING

■ 16. The authority citation for part 3055 continues to read as follows:

Authority: 39 U.S.C. 503; 3622(a); 3652(d) and (e); 3657(c).

■ 17. Amend § 3055.2 by revising paragraph (c) to read as follows:

§ 3055.2 Contents of the annual report of service performance achievements.

* * * * *

(c) The applicable service standard(s) for each product. If there has been a change to a service standard(s) since the previous report, a description of and reason for the change shall be provided. If there have been no changes to service standard(s) since the previous report, a certification stating this fact shall be provided.

* * * * *

By the Commission.

Darcie S. Tokioka,

Acting Secretary.

[FR Doc. 2019–26573 Filed 12–10–19; 8:45 am]

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Notices

Federal Register
Vol. 84, No. 238
Wednesday, December 11, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–19–CO–OP–0018]

Inviting Applications for Value-Added Producer Grants and Solicitation of Grant Reviewers

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting applications for the Value-Added Producer Grant (VAPG) program. Approximately $37 million is currently available. The Agency may also utilize any funding that become available after publishing this notice. The Agency will publish the program funding level on the Rural Development website (*https://www.rd.usda.gov/programs-services/value-added-producer-grants*). Section VII also announces solicitation of non-Federal independent grant reviewers to evaluate and score applications submitted under this Notice.

DATES: You must submit your application by March 10, 2020 or it will not be considered for funding. Paper applications must be postmarked and mailed, shipped or sent overnight by this date. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Electronic applications are permitted via *http://www.grants.gov* only and must be received before Midnight Eastern time on March 5, 2020. Late applications are not eligible for grant funding under this Notice.

ADDRESSES: You should contact your USDA Rural Development State Office if you have questions about eligibility or submission requirements. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and to ask any questions about the application process. Application materials are available at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

If you want to submit an electronic application, follow the instructions for the VAPG funding announcement on *http://www.grants.gov.* Please review the *Grants.gov* website at *http://grants.gov/applicants/organization-registration.html* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at *http://www.rd.usda.gov/contact-us/state-offices.*

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, MS 3253, Room 4008-South, Washington, DC 20250–3253, or call 202–690–1374.

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *www.usda.gov/ruralprosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation.

Key strategies include:

- Achieving e-Connectivity for rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Please note the following:

Hemp projects: VAPG applications proposing projects related to Hemp as defined in the Agriculture Improvement Act of 2018, Public Law 115–334, will be considered for funding if the projects meets all program eligibility requirements, including currently producing Hemp with a valid producer license and verifiable compliance with regulations published by the Agricultural Marketing Service at 7 CFR part 990 and the Rural Business-Cooperative Service at 7 CFR 4284, subpart J.

Local Agriculture Marketing Program (LAMP) Food Safety Implementation: Until Farm Bill implementation is finalized via the Agency rulemaking process, there will not be food safety reserve funding. Food safety training, certifications, and supplies that are eligible under the current program regulation may continue to be included in the work plan/budget.

Overview

Federal Agency Name: USDA Rural Business-Cooperative Service.

Funding Opportunity Title: Value-Added Producer Grant.

Announcement Type: Notice of Solicitation of Applications and Solicitation of Grant Reviewers.

Catalog of Federal Domestic Assistance Number: 10.352.

Dates: Application Deadline. You must submit your complete paper application by March 10, 2020, or it will not be considered for funding. Electronic applications must be received by *http://www.grants.gov* no later than Midnight Eastern time on March 5, 2020, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0039.

A. Program Description

The VAPG program is authorized under section 231 of the Agriculture Risk Protection Act of 2000 (Pub. L. 106–224), as amended by section 10102 of the Agriculture Improvement Act of 2018 (Pub. L. 115–334) (see 7 U.S.C. 1621 *et. seq.*). Applicants must adhere to the requirements contained in the program regulation, 7 CFR 4284, subpart J, which is incorporated by reference in this Notice.

The objective of this grant program is to assist viable Independent Producers, Agricultural Producer Groups, Farmer and Rancher Cooperatives, and Majority-Controlled Producer-Based Businesses in starting or expanding

value-added activities related to the processing and/or marketing of Value-Added Agricultural Products. Grants will be awarded competitively for either planning or working capital projects directly related to the processing and/or marketing of value-added products. Generating new products, creating and expanding marketing opportunities, and increasing producer income are the end goals of the program. All proposals must demonstrate economic viability and sustainability to compete for funding.

Funding priority will be made available to Beginning Farmers and Ranchers, Veteran Farmers and Ranchers, Socially-Disadvantaged Farmers and Ranchers, Operators of Small and Medium-Sized Farms and Ranches structured as Family Farms or Ranches, Farmer or Rancher Cooperatives, and projects proposing to develop a Mid-Tier Value Chain. See 7 CFR 4284.923 for Reserved Funds eligibility and 7 CFR 4284.924 for Priority Scoring eligibility.

Definitions

The following term is incorporated from Section 10102 of the Agriculture Improvement Act of 2018. Majority Controlled Producer-Based Business venture means a venture greater than 50 percent of the ownership and control of which is held by—

''(i) 1 or more producers; or

''(ii) 1 or more entities, 100 percent of the ownership and control of which is held by 1 or more producers. The term 'entity' means—

''(i) a partnership;

''(ii) a limited liability corporation;

''(iii) a limited liability partnership; and

''(iv) a corporation.

Also, Market Expansion Project means a project in which the Independent Producer applicant seeks to expand the market for an existing value-added product (produced and marketed by the applicant for at least 2 years at time of application) through sales to demonstrably new markets or to new customers in existing markets.

Additional terms you need to understand are defined in 7 CFR 4284.902.

B. Federal Award Information

Type of Instrument: Grant.

Approximate Number of Awards: To be determined.

Available Total Funding: $37 million.

Maximum Award Amount: Planning—$75,000; Working Capital—$250,000.

Project Period: Up to 36 months depending on the complexity of the project.

Anticipated Award Date: July 31, 2020.

Reservation of Funds: Ten percent of available funds for applications will be reserved for applicants qualifying as Beginning, Veteran, and Socially-Disadvantaged Farmers or Ranchers. An additional ten percent of available funds for applications from farmers or ranchers proposing development of Mid-Tier Value Chains. Funds are not obligated from these reserves prior to September 30, 2019, will be used for the VAPG general competition. If this is the case, Beginning, Veteran, and Socially-Disadvantaged Farmers or Ranchers and applicants proposing Mid-Tier Value Chains will compete with other eligible VAPG applications. In addition, in accordance with Division B, Title VII, Section 752 of Public Law 116–6, 10 percent of FY 2019 funds will be allocated for assistance in persistent poverty counties. Any funds that become available after publication of this notice, that will be allocated for assistance in persistent poverty counties, will be identified by the Agency at a later date, after the applicable appropriations language has been enacted.

C. Eligibility Information

Applicants must comply with the program regulation 7 CFR part 4284 subpart J to meet all the following eligibility requirements. Required documentation is included in the application package. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. Eligible Applicants

You must demonstrate within the application narrative that you meet all the applicant eligibility requirements of 7 CFR 4284.920 and 4284.921. This includes meeting the definition requirements at 7 CFR 4284.902 by demonstrating how you meet the definition for Agricultural Producer (*i.e.,* how you participate in the ''day to day labor, management, and field operations'' of your agricultural enterprise; how you qualify for one of the following applicant types: Independent Producer, Agricultural Producer Group, Farmer or Rancher Cooperative or Majority-Controlled Producer-Based Business; and whether you meet the Emerging Market, Citizenship, Legal Authority and Responsibility, Multiple Grants and Active Grants requirements of the section. Required documentation to support eligibility is contained at 7 CFR 4284.931 and in the application package.

Federally-recognized Tribes and tribal entities must demonstrate that they meet the definition requirements for one of the four eligible applicant types. Rural Development State Offices and posted application toolkits will provide additional information on Tribal eligibility.

Per 4284.921, an applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended. In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

Per the Consolidated Appropriations Act, 2018 (Pub. L. 115–141) or successor appropriations act, any corporation (i) that has been convicted of a felony criminal violation under any Federal law within the past 24 months or (ii) that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Per 4284.905(a), Applicants must comply with other applicable Federal laws. Applicants who are proposing working capital grants to produce and market value-added products in the industries of wine, beer, distilled spirits or other alcoholic merchandise must comply with Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations, including but not limited to permitting, filing of taxes and operational reports. Please visit TTB's website at *https://www.ttb.gov/index.shtml* for more information. If you are not in compliance with TTB's requirements,

the Agency may determine that you are not qualified to receive a Federal award and use that determination as a basis for making an award to another applicant. If, at any time after you have already received a VAPG award, you are found to be in noncompliance with TTB's operational reporting or tax requirements, the Agency may determine that you are not in compliance with your grant terms and conditions.

An Applicant may submit only one application in response to a solicitation and must explicitly direct that it competes in either the general funds competition or in one of the named reserved funds competitions. Multiple applications from separate entities with identical or greater than 75 percent common ownership, or from a parent, subsidiary or affiliated organization (with ''affiliation'' defined by Small Business Administration regulation 13 CFR 121.103, or successor regulation) are not permitted. Further, Applicants who have already received a Planning Grant for the proposed project cannot receive another Planning Grant for the same project. Applicants who have already received a Working Capital Grant for the proposed project cannot receive any additional grants for that project (Proposals from previous award recipients should be substantially different in terms of products and/or markets and should not merely be extensions of previously funded projects).

2. Cost-Sharing or Matching

There is a matching fund (cost-sharing) requirement of at least $1 for every $1 in grant funds provided by the Agency (matching funds plus grant funds must equal proposed Total Project Cost). Matching funds may be in the form of cash or eligible in-kind contributions. Matching contributions and grant funds may be used only for eligible project purposes, including any contributions exceeding the minimum amount required. Applicant matching contributions in the form of raw commodity, time contributed to the project, or goods or services for which no out-of-pocket expenditure is made during the grant period, must be characterized as in-kind contributions. Donations of goods and service from third-parties must be characterized as in-kind contributions. Tribal applicants may utilize grants made available under Public Law 93–638, the Indian Self-Determination and Education Assistance Act of 1975, as their matching contribution, and should check with appropriate tribal authorities regarding the availability of such funding.

Matching funds must be available at time of application and must be certified and verified as described in 7 CFR 4284.931(b)(3) and (4). Do not include *projected* income as a matching contribution because it cannot be verified as available. Note that matching funds must also be discussed as part of the scoring criterion Commitments and Support as described in section. E.1.(c).

3. Project Eligibility

You must demonstrate within the application narrative that you meet all the project eligibility requirements of 7 CFR 4284.922.

(a) *Product eligibility.* Applicants for both planning and working capital grants must meet all requirements at 7 CFR 4284.922(a), including that your value-added product must result from one of the five methodologies identified in the definition of Value-Added Agricultural Product at 7 CFR 4284.902. In addition, you must demonstrate that, as a result of the project, the customer base for the agricultural commodity or value-added product will be expanded, by including a baseline of current customers for the commodity, and an estimated target number of customers that will result from the project; and that, a greater portion of the revenue derived from the marketing or processing of the value-added product is available to the applicant producer(s) of the agricultural commodity, by including a baseline of current revenues from the sale of the agricultural commodity and an estimate of increased revenues that will result from the project. Note that working capital grants for market expansion projects per 7 CFR 4284.922(b) must demonstrate expanded customer base and increased revenue resulting only from sales of existing products to new customers. VAPG recognizes that market expansion projects may involve in marketing and promotion activities such as trade shows, farmers markets, and various media advertising which also result in increased sales to existing customers. However, market expansion award recipients must use grant and matching funds only on activities that demonstrably focus on marketing products they have produced and sold for at least two years, to new markets and/or to new customers in existing markets, such that the producer's customer base (number of customers) is expanded, per program requirements. Grant and matching funds cannot be deliberately expended on sales of existing products to existing customers.

In addition, per the Agriculture Improvement Act of 2018, working capital applications must include a statement describing the direct or indirect producer benefits intended to result from the proposed project within a reasonable period of time after the receipt of a grant.

(b) *Purpose eligibility.* Applicants for both planning and working capital grants must meet all requirements at 7 CFR 4284.922(b) regarding maximum grant amounts, verification of matching funds, eligible and ineligible uses of grant and matching funds, and a substantive, detailed work plan and budget.

(1) Planning Grants. A planning grant is used to fund development of a defined program of economic planning activities to determine the viability of a potential value-added venture, specifically for paying a qualified consultant to conduct and develop a feasibility study, business plan, and/or marketing plan associated with the processing and/or marketing of a value-added agricultural product. Planning grant funds may not be used to fund working capital activities.

(2) Working Capital Grants. This type of grant provides funds to operate a value-added project, specifically to pay the eligible project expenses directly related to the processing and/or marketing of the value-added product that are eligible uses of grant funds. Working capital funds may not be used for planning purposes.

(c) *Reserved Funds Eligibility.* To qualify for Reserved Funds as a Beginning, Veteran, or Socially-Disadvantaged Farmer or Rancher or if you propose to develop a Mid-Tier Value Chain, you must meet the requirements found at 7 CFR 4284.923. If your application is eligible, but is not awarded under the Reserved Funds, it will automatically be considered for general funds in that same fiscal year, as funding levels permit.

(d) *Priority Points.* To qualify for Priority Points for projects that contribute to increasing opportunities for Beginning Farmers or Ranchers, Socially-Disadvantaged Farmers or Ranchers, or if you are an Operator of a Small or Medium-sized Farm or Ranch structured as a Family Farm, a Veteran Farmer or Rancher, propose a Mid-Tier Value Chain project, or are a Farmer or Rancher Cooperative, you must meet the applicable eligibility requirements at 7 CFR 4284.923 and 4284.924 and must address the relevant proposal evaluation criterion.

Priority points will also be awarded during the scoring process to eligible Agricultural Producer Groups, Farmer

or Rancher Cooperatives, and Majority-Controlled Producer-Based Business Ventures that best contribute to creating or increasing marketing opportunities for Beginning Farmers or Ranchers, Socially-Disadvantaged Farmers or Ranchers, and/or Veteran Farmers or Ranchers. You must meet the eligibility requirements at 7 CFR 4284.923 and 4284.924 and must address the relevant proposal evaluation criterion.

4. Eligible Uses of Grant and Matching Funds

Eligible uses of grant and matching funds are discussed, along with examples, in 7 CFR 4284.925. In general, grant and cost-share matching funds have the same use restrictions and must be used to fund only the costs for eligible purposes as defined at 7 CFR 4284.925(a) and (b).

5. Ineligible Uses of Grant and Matching Funds

Federal procurement standards prohibit transactions that involve a real or apparent Conflict of Interest for owners, employees, officers, agents, or their Immediate Family members having a personal, professional, financial or other interest in the outcome of the project; including organizational conflicts, and conflicts that restrict open and free competition for unrestrained trade. A list (not all-inclusive) of ineligible uses of grant and matching funds is found in 7 CFR 4284.926.

D. Application and Submission Information

1. Address to Request Applications

The application toolkit, regulation, and official program notification for this funding opportunity can be obtained online at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.* You may also contact your USDA Rural Development State Office by visiting *http://www.rd.usda.gov/contact-us/state-offices.* The toolkit contains an application checklist, templates, required grant forms, and instructions. Although the Agency highly recommends their use, use of the templates in the toolkit is not mandatory.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov*. Your application must contain all required information.

To apply electronically, you must follow the instructions for this funding announcement at *http://www.grants.gov.* Please note that we cannot accept emailed or faxed applications.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all your application documents electronically through *Grants.gov*.

After electronically applying through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* An optional-use Agency application template is available online at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

Your application must contain all the required forms and proposal elements described in 7 CFR 4284.931, unless otherwise clarified in this Notice. You are encouraged, but not required to utilize the Application Toolkits found at *http://www.rd.usda.gov/programs-services/value-added-producer-grants,* however, you must provide all of the information requested by the template. You must become familiar with the program regulation at 7 CFR part 4284, subpart J in order to submit a successful application. Basic application contents are outlined below:

- Standard Form (SF)-424, ''Application for Federal Assistance,'' to include your DUNS number and SAM (CAGE) code and expiration date (or evidence that you have begun the SAM registration process). Because there are no specific fields for a CAGE code and expiration date, you may identify them anywhere you want to on the form. If you do not include your DUNS number in your application, it will not be considered for funding.
- SF–424A, ''Budget Information-Non-Construction Programs.'' This form must be completed and submitted as part of the application package.
- SF–424B, ''Assurances—Non-Construction Programs.'' This form must be completed, signed, and submitted as part of the application package.
- Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.
- You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. You must also certify that you are not delinquent on the payment of Federal income taxes, or any Federal debt. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

You must provide a valid permit or evidence of having begun the permitting process if you are proposing a working capital grant to produce and market value-added products in the industries of wine, beer, distilled spirits or other alcoholic merchandise.

You must provide a valid producer license issued by a State, Tribe, or USDA, as applicable in accordance with 7 CFR part 990 if you are proposing to market value-added hemp products.

- Executive Summary and Abstract. A one-page Executive Summary containing the following information: legal name of applicant entity, application type (planning or working capital), applicant type, amount of grant request, a summary of your project, and whether you are submitting a simplified application, and whether you are requesting Reserved Funds. Also include a separate abstract of up to 100 words briefly describing your project.
- Eligibility discussion.
- Work plan and budget.
- Performance evaluation criteria.
- Proposal evaluation criteria.

• Certification and verification of matching funds.
• Reserved Funds and Priority Point documentation (as applicable).
• Feasibility studies, business plans, and/or marketing plans, as applicable.

Appendices containing required supporting documentation.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

To be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM Cage Code and expiration date or evidence that you have begun the SAM registration process at time of application; and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F. 2 for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: March 10, 2020.

Explanation of Deadlines: Paper applications must be postmarked and mailed, shipped, or sent overnight by March 10, 2020. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day. Late applications will automatically be considered ineligible and will not be evaluated further.

Electronic applications must be received at *http://www.grants.gov* no later than Midnight Eastern time, March 5, 2020 to be eligible for funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review

Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. A list of States that maintain a SPOC may be obtained at *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you must submit your application directly for review. Any comments obtained through the SPOC must be provided to RD for consideration as part of your application. If your State has not established a SPOC or you do not want to submit your application to the SPOC, RD will submit your application to the SPOC or other appropriate agency or agencies. Applications from federally recognized Indian tribes are not subject to Intergovernmental Review.

6. Funding Restrictions

Funding limitations and reservations found in the program regulation at 7 CFR 4284.927 will apply, including:

(a) Use of Funds. Grant funds may be used to pay up to 50 percent of the total eligible project costs, subject to the limitations established for maximum total grant amount. Grant funds may not be used to pay any costs of the project incurred prior to the date of grant approval. Grant and matching funds may only be used for eligible purposes. (See examples of eligible and ineligible uses in 7 CFR 4284.925 and 4284.926, respectively).

(b) Grant Period (project period). Your project timeframe or grant period can be a maximum of 36 months in length from the date of award, depending on the complexity of your project. Your proposed grant period should begin no earlier than the anticipated award announcement date in this Notice and should end no later than 36 months following that date. If you receive an award, your grant period will be revised to begin on the actual date of award—the date the grant agreement is executed by the Agency—and your grant period end date will be adjusted accordingly. Your project activities should begin within 90 days of that date of award. The length of your grant period should be based on your project's complexity, as indicated in your application work plan. For example, it is expected that most planning grants can be completed within 12 months.

(c) Program Income. If income (Program Income) is earned during the grant period as a result of the project activities, it is subject to the requirements in 2 CFR 200.80, and must be managed and reported accordingly.

(d) Majority Controlled Producer-Based Business. The total amount of funds awarded to Majority Controlled Producer-Based Businesses in response to this announcement shall not exceed 10 percent of the total funds obligated for the program during the fiscal year.

(e) Reserved Funds. Ten percent of all funds available will be reserved to fund projects that benefit Beginning Farmers or Ranchers, Veteran Farmers or Ranchers or Socially- Disadvantaged Farmers or Ranchers. In addition, 10 percent of total funding available will be used to fund projects that propose development of Mid-Tier Value Chains as part of a Local or Regional Supply Chain Network. See related definitions in 7 CFR 4284.902. In addition, in accordance with Title VII, Section 750 of Public Law 115–30, 10 percent of FY 2019 funds will be allocated for assistance in persistent poverty counties. Any funds that become available after publishing this notice that will be allocated for assistance in persistent poverty counties will be identified by the Agency at a later date, after the applicable appropriations language has been enacted.

(f) Disposition of Reserved Funds Not Obligated. For this announcement, any reserved funds that have not been obligated by September 30, 2019, will be available to the Secretary to make VAPG grants in accordance with Section 210A(i)(3)(ii) of the Agriculture Improvement Act of 2018.

7. Other Submission Requirements

(a) National Environmental Policy Act.

This Notice has been reviewed in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures,'' and it has been determined that an Environmental Impact Statement is not required because the issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial programs is categorically excluded in the Agency's National Environmental Policy Act (NEPA) regulation found at 7 CFR

1970.53(f). We have determined that this Notice does not constitute a major Federal action significantly affecting the quality of the human environment.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970 and whether proposed financial assistance by the Agency would have a disproportionately high and adverse human health or environmental effect on minority or low-income populations. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

(b) Civil Rights Compliance Requirements.

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

Applications will be reviewed and processed as described at 7 CFR 4284.940. The Agency will review your application to determine if it is complete and eligible. If at any time, the Agency determines that your application is ineligible, you will be notified in writing as to the reasons it was determined ineligible and you will be informed of your review and appeal rights. Funding of successfully appealed applications will be limited to available funds.

The Agency will only score applications in which the applicant and project are eligible, which are complete and sufficiently responsive to program requirements, and in which the Agency agrees on the likelihood of financial feasibility for working capital requests. We will score your application according to the procedures and criteria specified in 7 CFR 4284.942, and with tiered scoring thresholds as specified below.

1. Scoring Criteria

For each criterion, you must show how the project has merit and why it is likely to be successful. Your complete response to each criterion must be included in the body of the application, including summarizations of any feasibility studies, business and marketing plans. If you do not address all parts of the criterion, or do not sufficiently communicate relevant project information, you will receive lower scores. VAPG is a competitive program, so you will receive scores based on the quality of your responses. Simply addressing the criteria will not guarantee higher scores. The maximum number of points that can be awarded to your application is 100. For this announcement, the minimum score requirement for funding is 50 points.

The Agency application toolkit provides additional instruction to help you to respond to the criteria below.

(a) *Nature of the Proposed Venture (graduated score 0–30 points).*

For both planning and working capital grants, you must discuss the technological feasibility of the project, as well as operational efficiency, profitability, and overall economic sustainability resulting from the project. You must also demonstrate the potential for expanding the customer base for the agricultural commodity or value-added product, and the expected increase in revenue returns to the producer-owners providing the majority of the raw agricultural commodity to the project. Working capital applicants must also provide the potential number of jobs that will result from the project, along with a justifiable basis for these projections. Please see the application template for more information. All applicants must reference and summarize third-party data and other information that specifically supports your value-added project; discuss the value-added process you are proposing; potential markets and distribution channels; the value to be added to the raw commodity through the value-added process; cost and availability of inputs, your experience in marketing the proposed or similar product; business financial statements; and any other relevant information that supports the viability of your project. Working capital applicants should demonstrate that these outcomes will result from the project and include supportable projections of increase in customer base, revenue returned to producers and jobs resulting from the project in order to receive up to the maximum number of points. Planning grant applicants should describe the expected results, and the reasons supporting those expectations.

Points will be awarded as follows:

(1) 0 points will be awarded if you do not address the criterion.

(2) 1–5 points will be awarded if you do not address each of the following: technological feasibility, operational efficiency, profitability, and overall economic sustainability.

(3) 6–13 points will be awarded if you address technological feasibility, operational efficiency, profitability, and overall economic sustainability, but do not reference third-party information that supports the success of your project.

(4) 14–22 points will be awarded if you address technological feasibility, operational efficiency, profitability, and overall economic, supported by third-party information demonstrating a reasonable likelihood of success.

(5) 23–30 points will be awarded if all criterion components are well addressed, supported by third-party information, and demonstrate a high likelihood of success.

(b) *Qualifications of Project Personnel (graduated score 0–20 points).*

You must identify all individuals who will be responsible for managing and completing the proposed tasks in the work plan, including the roles and activities that owners, staff, contractors, consultants or new hires may perform; and show that these individuals have the necessary qualifications and expertise, including those hired to do market or feasibility analyses, or to develop a business operations plan for the value-added venture. You must include the qualifications of those individuals responsible for leading or managing the total project (applicant owners or project managers), as well as those individuals responsible for conducting the various individual tasks in the work plan (such as consultants, contractors, staff or new hires). You must discuss the commitment and the availability of any consultants or other professionals to be hired for the project—especially those who may be consulting on multiple VAPG projects). If staff or consultants have not been selected at the time of application, you must provide specific descriptions of the qualifications required for the positions to be filled. Applications that demonstrate the strong credentials, education, capabilities, experience and availability of project personnel that will contribute to a high likelihood of project success will receive more points than those that demonstrate less potential for success in these areas.

Points will be awarded as follows:

(1) 0 points will be awarded if you do not address the criterion.

(2) 1–4 points will be awarded if qualifications and experience of all staff is not addressed and/or if necessary, qualifications of unfilled positions are not provided.

(3) 5–9 points will be awarded if all project personnel are identified but do not demonstrate qualifications or experience relevant to the project.

(4) 10–14 will be awarded if most key personnel demonstrate strong credentials and/or experience, and availability indicating a reasonable likelihood of success.

(5) 15–20 points will be awarded if all personnel demonstrate strong, relevant credentials or experience, and availability indicating a high likelihood of project success.

(c) *Commitments and Support (graduated score 0–10 points).*

Producer, end-user, and third-party commitments will be evaluated under this criterion. Sole proprietors can receive a maximum of 9 points. Multiple producer applications can receive a maximum of 10 points.

(1) Producer commitments to the project will be evaluated based on the number of named and documented independent producers currently involved in the project; and the nature, level and quality of their contributions.

(2) End-user commitments will be evaluated based on potential or identified markets and the potential amount of output to be purchased, as indicated by letters of intent or contracts (purchase orders) from potential buyers referenced within the application. Applications that demonstrate documented intent to purchase the value-added product will receive more points. Note: For planning grants, this criterion can be addressed by evidence of interest or support from identified or potential customers.

(3) Third-party commitments to the project will be evaluated based on the critical and tangible nature of their contribution to the project, such as technical assistance, storage, processing, marketing, or distribution arrangements that are necessary for the project to proceed; and the level and quality of these contributions. Applications that demonstrate strong technical and logistical support to successfully complete the project will receive more points.

Letters of commitment by producers, end-users, and third-parties should be summarized as part of your response to this criterion, and the letters must be included in Appendix B. Please note that VAPG does not require Congressional letters of support, nor do they carry any extra weight during the evaluation process. Also, note that because applications with cash matching contributions are awarded more points than those pledging only in-kind contributions, applicants will not be able to substitute an in-kind match for cash after awards are made.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not address the criterion

(ii) Independent Producer Commitment

(A) Sole Proprietor (one owner/producer): 1 point

(B) Multiple Independent Producers (note: in cases where family members, such as husband and wife, are eligible Independent Producers, each family member will count as one Independent Producer): 2 points

(iii) Level of Commitment

(A) All matching contributions are in-kind: 1 point

(B) Matching contribution consists of both cash and in-kind: 2 points

(C) All matching contributions are cash: 4 points

(iv) End-user commitment:

(A) No or insufficiently documented commitment from end-users: 0 points

(B) Well-documented commitment from one end-user: 1 point

(C) Well-documented commitment from more than one end-user: 2 points

(v) Third-party commitment:

(A) No or insufficiently documented commitment from third-parties: 0 points

(B) Well-documented commitment from one third-party: 1 point

(C) Well-documented commitment from more than one third-party: 2 points

(d) *Work Plan and Budget (graduated score 0–20 points).*

You must submit a comprehensive work plan and budget (for full details, see 7 CFR 4284.922(b)(5)). Your work plan must provide specific and detailed descriptions of the tasks and the key project personnel that will accomplish the project's goals. The budget must present a detailed breakdown and description of all estimated costs of project activities (including source and basis for their valuation) and allocate those costs among the listed tasks, as instructed in the application package. You must show the source and use of both grant and matching funds for all tasks. Matching funds must be spent at a rate equal to, or in advance of, grant funds. An eligible start and end date for the entire project, as well as for each individual project task must be clearly shown. The project timeframe must not exceed 36 months and should be scaled to the complexity of the project. Working capital applications must include an estimate of program income expected to be earned during the grant period (see 2 CFR 200.307).

Points will be awarded as follows:

(1) 0 points will be awarded if you do not address the criterion.

(2) 1–7 points will be awarded if the work plan and budget do not account for all project goals, tasks, costs, timelines, and responsible personnel.

(3) 8–14 points will be awarded if you provide a clear, comprehensive work plan detailing all project goals, tasks, timelines, costs, and responsible personnel in a logical and realistic manner that demonstrates a reasonable likelihood of success.

(4) 15–20 points will be awarded if you provide a clear, comprehensive work plan detailing all project goals, tasks, timelines, costs, and responsible personnel in a logical and realistic manner that demonstrates a high likelihood of success.

(e) *Priority Points up to 10 points (lump sum 0 or 5 points plus, graduated score 0–5 points).*

It is recommended that you use the Agency application package when applying for priority points and refer to the requirements specified in 7 CFR 4284.924. Priority points may be awarded in both the general funds and Reserved Funds competitions.

(1) 5 points will be awarded if you meet the requirements for one of the following categories and provide the documentation described in 7 CFR 4284.923 and 4284.924 as applicable: Beginning Farmer or Rancher, Socially-Disadvantaged Farmer or Rancher, Veteran Farmer or Rancher, or Operator of a Small or Medium-sized Farm or Ranch that is structured as a Family Farm, Farmer or Rancher Cooperative, or are proposing a Mid-Tier Value Chain project.

(2) Up to 5 priority points will be awarded if you are an Agricultural Producer Group, Farmer or Rancher Cooperative, or Majority-Controlled Producer-Based Business Venture (referred to below as ''applicant group'') whose project ''best contributes to creating or increasing marketing opportunities'' for Operators of Small- and Medium-sized Farms and Ranches that are structured as Family Farms, Beginning Farmers and Ranchers, Socially-Disadvantaged Farmers and Ranchers, and Veteran Farmers and Ranchers (referred to below as ''priority groups''). For each of the priority point levels below, applications must demonstrate how the proposed project will contribute to new or increased marketing opportunities for respective priority groups. Guidance on relevant information required to adequately demonstrate this requirement can be found in program application package.

(i) 2 priority points will be awarded if the existing membership of the applicant group is comprised of either more than 50 percent of any one of the four priority groups or more than 50 percent of any combination of the four priority groups.

(ii) 1 priority point will be awarded if the existing membership of the applicant group is comprised of two or more of the priority groups. One point is awarded regardless of whether a group's membership is comprised of two, three, or all four of the priority groups.

(iii) 2 priority points will be awarded if the applicant's proposed project will increase the number of priority groups that comprise applicant membership by one or more priority groups. However,

if an applicant group's membership is already comprised of all four priority groups, such an applicant would not be eligible for points under this criterion because there is no opportunity to increase the number of priority groups. Note also that this criterion does not consider either the percentage of the existing membership that is comprised of the four priority groups or the number of priority groups currently comprising the applicant group's membership.

(f) *Administrator Priority Categories (graduated score 0–10 points).*

The Administrator of the Agency may choose to award up to 10 points to an application to improve the geographic diversity of awardees and/or foster persistent poverty counties and/or help reduce unemployment through job creation in a fiscal year. To ensure that funds are more broadly utilized in support of recommendations made in the Rural Prosperity Task Force report to help improve life in rural America, the Administrator may also choose to award points to eligible applicants who have never previously been awarded a VAPG grant. Eligible applicants who have never previously received VAPG funds and who want to be considered for discretionary points must specifically request consideration for these points and certify that neither the applicant entity or any of its owner or members have ever received a VAPG grant. To be considered for these points, you must discuss how your workplan and budget supports one or more of the five following key strategies:

Achieving e-Connectivity for Rural America;

Improving Quality of Life;

Supporting a Rural Workforce;

Harnessing Technological Innovation; and

Economic Development.

2. Review and Selection Process

The Agency will select applications for award under this Notice in accordance with the provisions specified in 7 CFR 4284.950(a).

If your application is eligible and complete, it will be qualitatively scored by at least two reviewers based on criteria specified in section E.1. of this Notice. One of these reviewers will be an experienced RD employee from your servicing State Office and at least one additional reviewer will be a non-Federal, independent reviewer, who must meet the following qualifications. Independent reviewers must have at least a bachelor's degree in one or more of the following fields: Agri-business, agricultural economics, agriculture, animal science, business, marketing, economics or finance; and a minimum of 8 years of experience in an agriculture-related field (*e.g.* farming, marketing, consulting, or research; or as university faculty, trade association official or non-Federal government official in an agriculturally-related field). Each reviewer will score evaluation criteria (a) through (d) and the totals for each reviewer will be added together and averaged. The RD State Office reviewer will also assign priority points based on criterion (e) in section E.1. of this Notice. These will be added to the average score. The sum of these scores will be ranked highest to lowest and this will comprise the initial ranking.

The Administrator of the Agency may choose to award up to 10 Administrator priority points based on criterion (f) in section E.1. of this Notice. These points will be added to the cumulative score for a total possible score of 100.

A final ranking will be obtained based solely on the scores received for criteria (a) through (e). A minimum score of 50 points is required for funding. Applications for Reserved Funds will be funded in rank order until funds are depleted. Unfunded reserve applications will be returned to the general funds where applications will be funded in rank order until the funds are expended. Funding for Majority Controlled Producer-Based Business Ventures is limited to 10 percent of total grant funds expected to be obligated as a result of this Notice. These applications will be funded in rank order until the funding limitation has been reached. Grants to these applicants from Reserved Funds will count against this funding limitation. In the event of tied scores, the Administrator shall have discretion in breaking ties.

If your application is ranked, but not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. Funding of successfully appealed applications will be limited to available funding.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart J; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). More information on these requirements can be found at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

The following additional requirements apply to grantees selected for this program:

(a) Agency approved Grant Agreement.

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''

(f) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''

(g) Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

(h) Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.

(i) Form RD 400–4, ''Assurance Agreement.''

(j) SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(k) Use Form SF 270, ''Request for Advance or Reimbursement.''

3. Reporting

After grant approval and through grant completion, you will be required to provide the following, as indicated in the Grant Agreement:

(a) A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual

basis (due 30 working days after end of the semiannual period). For the purposes of this grant, semiannual periods end on March 31st and September 30th. The project performance reports shall include the elements prescribed in the grant agreement.

(b) A final project and financial status report within 90 days after the expiration or termination of the grant.

(c) Provide outcome project performance reports and final deliverables.

G. Solicitation of Non-Federal Independent Grant Reviewers

Rural Development is seeking non-Federal independent grant reviewers under this Notice. Reviewers must be able to use their professional knowledge and experience to evaluate and score VAPG program applications against the evaluation criteria published in this Notice, and effectively communicate their findings in writing.

1. Qualifications

All reviewers must meet the following qualifications.

(a) Have at least a bachelor's degree in one or more of the following fields: agri-business, agricultural economics, business, marketing, economics or finance, and

(b) A minimum of 8 years of experience in an agriculture-related field (*e.g.* farming, marketing, consulting, or research; or as university faculty, trade association official or non-Federal government official in an agriculturally-related field).

2. Ethical Standards

Prospective reviewers must be able to exercise the highest level of ethical standards in avoiding conflict of interests and maintaining confidentiality.

(a) Conflict of Interest

Individuals selected as non-Federal independent grant reviewers will be required to certify that they do not have a conflict of interest or an appearance thereof with any VAPG application they are assigned to review. This may include but is not limited to certification that they did not apply for a VAPG grant and are not affiliated with persons or organizations applying for VAPG funds.

(b) Confidentiality

Reviewers will also be required to sign a certification statement regarding the safeguarding of information contained in assigned applications.

Failure to identify a conflict-of-interest or the unauthorized disclosure of information may subject reviewers to administrative sanction, *i.e.,* removal from the current review and/or disqualification from involvement in future reviews of grant applications.

3. Training

All reviewers must review and understand program requirements and must attend a mandatory training webinar.

4. System Requirements

(a) Reviewers must have reliable internet access using Internet Explorer and be able to reliably both access applications and submit scores electronically, and

(b) All reviewers must be able to complete requirements for, obtain, and maintain USDA Level 2 e-Authorization credentialing.

To apply, please send a resume addressing relevant qualifications and experience to *CPGrants@wdc.usda.gov* by February 10, 2020.

H. Agency Contacts

If you have questions about this Notice, please contact the State Office as identified in the **ADDRESSES** section of this Notice. You are also encouraged to visit the application website for application tools, including an application guide and templates. The website address is: *http://www.rd.usda.gov/programs-services/value-added-producer-grants.* You may also contact National Office staff at *CPGrants@wdc.usda.gov* or call the main line at 202–720–1400.

I. Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

Bette B. Brand,

Administrator, Rural Business—Cooperative Service.

[FR Doc. 2019–26626 Filed 12–10–19; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–845]

Sugar From Mexico: Notice of Termination of Amendment to the Agreement Suspending the Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 18, 2019, the United States Court of International Trade (CIT) issued a final judgment in *CSC Sugar LLC* v. *United States,* Ct. No. 17–00215, Slip Op. 19–132 (CIT October 18, 2019) (*CSC Sugar II*), vacating the 2017 amendment to the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico. Commerce is now terminating the amendment consistent with the Court's order.

DATES: Applicable December 7, 2019.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon, Bilateral Agreements Unit, Office of Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0162.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2014, Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signed the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico (AD Agreement).[1] Subsequent to this date, between June 2016 and June 2017, Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico held consultations to address concerns raised by the domestic industry and to ensure that the AD Agreement met all of the statutory requirements for a suspension agreement, *e.g.,* that suspension of the investigation was in the public interest, including the availability of supplies of sugar in the U.S. market, and that effective monitoring was practicable. The consultations resulted in Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signing the amendment to the AD Agreement on June 30, 2017, and it was subsequently published in the **Federal Register**.[2]

CSC Sugar LLC (CSC Sugar) challenged Commerce's determination to amend the AD Agreement by contending that Commerce did not meet its obligation to file a complete administrative record.[3] Specifically, CSC Sugar argued that Commerce failed to memorialize and include in the record *ex parte* communications between Commerce officials and interested parties (including the domestic sugar industry and representatives of Mexico), as required by section 777(a)(3) of the Tariff Act of 1930, as amended (the Act).[4]

The CIT agreed with CSC Sugar and ordered Commerce to supplement the administrative record with any *ex parte* communications regarding the *AD Amendment*.[5] CSC Sugar subsequently filed a motion for judgment on the agency record arguing that Commerce's failure, during the consultations period, to maintain contemporaneous *ex parte* communication memoranda, in accordance with section 777(a)(3) of the Act, could not be adequately remedied by Commerce's delayed and incomplete supplementation of the record.[6]

The CIT found that Commerce's failure to follow the recordkeeping requirements of Section 777 of the Act cannot be described as ''harmless.'' [7] The CIT found that this recordkeeping failure substantially prejudiced CSC Sugar.[8] On that basis, the CIT stated that the *AD Amendment* must be vacated.[9]

Termination of AD Amendment

Consistent with the CIT's ruling in *CSC Sugar II,* Commerce is terminating the *AD Amendment* prospectively.[10] Accordingly, as of December 7, 2019, the unamended AD Agreement [11] is in force and effective, and the *AD Amendment* has no force or effect.

Dated: December 6, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–26802 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with October anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that

[1] *See Sugar From Mexico: Suspension of Antidumping Duty Investigation,* 79 FR 78039 (December 29, 2014) (AD Agreement).

[2] *See Sugar From Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation,* 82 FR 31945 (July 11, 2017) (*AD Amendment*).

[3] *See CSC Sugar II* at 4.

[4] *Id.*

[5] *Id.* (citing *CSC Sugar LLC* v. *United States,* 317 F. Supp. 3d 1334, 1345 (CIT 2018)).

[6] *See CSC Sugar II* at 4.

[7] *Id.* at 11–12.

[8] *Id.* at 12.

[9] *Id.*

[10] Commerce is terminating the *AD Amendment,* effective December 7, 2019. Because suspension of liquidation does not occur while the AD Agreement is in force, termination of the *AD Amendment* shall be prospective in effect. Accordingly, the AD Agreement, as signed on December 19, 2014, applies to all contracts for sugar from Mexico exported from Mexico on or after December 7, 2019.

[11] *See* AD Agreement.

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[2] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[4] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate

[2] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[3] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[4] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews:

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than October 31, 2020.

	Period to be reviewed
AD proceedings	
AUSTRALIA: Hot-Rolled Steel Flat Products, A–602–809	10/1/18–9/3019
BlueScope Steel Americas, Inc.	
BlueScope Steel, Ltd.	
SSAB Enterprises, LLC.	
Steel Dynamics, Inc.	
Steelscape LLC.	
United States Steel Corporation.	
BRAZIL: Hot-Rolled Steel Flat Products, A–351–845	10/1/18–9/30/19
AG Royce Metal Marketing.	
Aperam South America.	
Companhia Siderurgica Nacional.	
Companhia Siderurgica Suape.	
Cummins Inc.	
Erico Incorporated.	
Gautier Steel Limited.	
Gerdau Acominas S.A.	
Mahle Engine Components USA Inc.	
Mahle Metal Leve S.A.	
Marcegaglia do Brasil.	
Modine do Brasil Sistemas Termicos.	
Nvent do Brasil Eletrometalurgica Ltda.	
Nvent Erico.	
Optimus Steel Inc.	
Ternium Brasil Ltda.	
Ternium Mexico S.A. de C.V.	
Usinas Siderurgicas de Minas Gerais S.A. (Usiminas).	
INDIA: Stainless Steel Flanges, A–533–877	3/28/18–9/30/19
Arien Global.	
Armstrong International Pvt. Ltd.	
Avinimetal.	
Balkrishna Steel Forge Pvt. Ltd.	
Bebitz Flanges Works Private Limited.	
Bee Gee Enterprises.	
Bsl Freight Solutions Pvt., Ltd.	
CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd).	
Chandan Steel Limited.	
Chandan Steel Ltd.	
Cipriani Harrison Valves Pvt. Ltd.	
CTL Logistics (India) Pvt. Ltd.	
Echjay Forgings Private Limited.	
Echjay Forgings Private Ltd.	
Fivebros Forgings Pvt. Ltd.	
Fluid Controls Pvt. Ltd.	
Geodis Oversea Pvt., Ltd.	
Globelink WW India Pvt., Ltd.	
Goodluck India Ltd.	
Hilton Metal Forging Limited.	
Jai Auto Pvt. Ltd.	
JAY JAGDAMBA FORGINGS PRIVATE LIMITED.	
JAY JAGDAMBA LIMITED.	
JAY JAGDAMBA PROFILE PRIVATE LIMITED.	
Jay Jagdamba Ltd.	
Kisaan Die Tech.	
Kunj Forgings Pvt. Ltd.	
Montane Shipping Pvt., Ltd.	
Noble Shipping Pvt. Ltd.	
Paramount Forge.	
Pashupati Tradex Pvt., Ltd.	
Peekay Steel Castings Pvt. Ltd.	
Pradeep Metals Limited.	

	Period to be reviewed
Pradeep Metals Ltd.	
R D Forge Pvt., Ltd.	
Rolex Fittings India Pvt. Ltd.	
Rollwell Forge Pvt. Ltd.	
Safewater Lines (I) Pvt. Ltd.	
Saini Flange Pvt. Ltd.	
SAR Transport Systems.	
Shilpan Steelcast Pvt. Ltd.	
SHREE JAY JAGDAMBA FLANGES PRIVATE LIMITED.	
Shree Jay Jagdamba Flanges Pvt. Ltd.	
Teamglobal Logistics Pvt. Ltd.	
Technical Products Corporation.	
Technocraft Industries India Ltd.	
Transworld Global.	
VEEYES Engineering Pvt. Ltd.	
Vishal Shipping Agencies Pvt. Ltd.	
Yusen Logistics (India) Pvt. Ltd.	
JAPAN: Certain Hot-Rolled Steel Flat Products, A–588–874	10/1/18–9/30/19
Hanwa Co., Ltd.	
Higuchi Manufacturing America, LLC.	
Higuchi Seisakusho Co., Ltd.	
Hitachi Metals, Ltd.	
Honda Trading Canada, Inc.	
JFE Steel Corporation.	
JFE Shoji Trade America.	
JFE Shoji Trade Corporation.	
Kanematsu Corporation.	
Kobe Steel, Ltd.	
Metal One Corporation.	
Mitsui & Co., Ltd.	
Miyama Industry Co., Ltd.	
Nakagawa Special Steel Inc.	
Nippon Steel Corporation.	
Nippon Steel & Sumitomo Metal Corporation.	
Nippon Steel & Sumikin Logistics Co., Ltd.	
Nisshin Steel Co., Ltd.	
Okaya & Co., Ltd.	
Panasonic Corporation.	
Saint-Gobain K.K.	
Shinsho Corporation.	
Sumitomo Corporation.	
Suzukaku Co., Ltd.	
Tokyo Steel Manufacturing Co., Ltd.	
Toyota Tsusho Corporation Nagoya.	
MEXICO: Carbon and Certain Alloy Steel Wire Rod, A–201–830	10/1/18–9/30/19
ArcelorMittal Las Truchas, S.A. de C.V.	
Deacero S.A.P.I. de C.V.	
Grupo Villacero S.A. de C.V.	
Talleres y Aceros S.A. de C.V.	
Ternium Mexico S.A. de C.V.	
TAIWAN: Steel Concrete Reinforcing Bar, A–583–859	10/1/18–9/30/19
Power Steel Co., Ltd.	
REPUBLIC of KOREA: Certain Hot-Rolled Steel Flat Products, A–580–883	10/1/18–9/30/19
Hyundai Steel Company.	
POSCO.	
POSCO Daewoo Corporation.	
Dongbu Steel Co., Ltd.	
Dongkuk Industries Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Marubeni-Itochu Steel Korea Ltd 8. Soon Hong Trading Co.	
Snp Ltd.	
Sungjin Co., Ltd.	
The NETHERLANDS: Hot-Rolled Steel Flat Products, A–421–813	10/1/18–9/30/19
Tata Steel Ijmuiden BV.	
The PEOPLE'S REPUBLIC of CHINA: Electrolytic Manganese Dioxide, A–570–919	10/1/18—9/30/19
Duracell (China) Limited.	
The PEOPLE'S REPUBLIC of CHINA: Polyvinyl Alcohol, A–570–879	10/1/18–9/30/19
Sinopec Sichuan Vinylon Works.	
Sinopec Chongqing SVW Chemical Co., Ltd.	
The PEOPLE'S REPUBLIC OF CHINA: Steel Wire Garment Hangers, A–570–918	10/1/1A–9/30/19
Shanghai Wells Hanger Co., Ltd.	
Hong Kong Ltd.	
Hong Kong Wells Ltd.	

	Period to be reviewed
Hangzhou Qingqing Mechanical Co., Ltd.	
Hangzhou Yingqing Material Co., Ltd.	
Shaoxing Dingli Metal Clotheshorse.	
Shaoxing Lishi Metal Products Co., Ltd.	
Shaoxing Maosheng Metal Products Co., Ltd.	
Shaoxing Shunji Metal Clotheshorse Co., Ltd.	
Shaoxing Yongnuo Metal Products Co., Ltd.	
Zhejiang Lucky Cloud Hanger Co., Ltd.	
TURKEY: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–489–824	9/1/18–8/31/19
Cag Celik Demir ve Celik Endustri A.S.[5]	
Noksel Celik Boru Sanayi A.S.[6]	
Ozdemir Boru Profil San. ve Tic. Ltd Sti[7]	
TURKEY: Hot-Rolled Steel Flat Products, A–489–826	10/1/18–9/30/19
Agir Haddecilik A.S.	
Cag Celik Demir ve Celik.	
Colakoglu Dis Ticaret A.S.	
Colakoglu Metalurji, A.S.	
Eregli Demir ve Celik Fabrikalari T.A.S.	
Gazi Metal Mamulleri Sanayi Ve Ticaret A.S.	
Habas Industrial and Medical Gases Production Industries Inc.	
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi.	
Iskenderun Iron & Steel Works Co.	
MMK Atakas Metalurji.	
Ozkanlron and Steel lnd.	
Seametal San ve Dis Tic.	
Tosyali Holding (Toscelik Profile and Sheet Ind. Co., Toscelik Profil ve Sac).	
CVD proceedings	
BRAZIL: Hot-Rolled Steel Flat Products, C–351–846	1/1/18–12/31/18
Aperam South America.	
Companhia Siderurgica Nacional.	
Companhia Siderurgica Suape.	
Gerdau Acominas S.A.	
Mahle Metal Leve S.A.	
Marcegaglia do Brasil.	
Modine do Brasil Sistemas Termicos.	
Nvent do Brasil Eletrometalurgica Ltda.	
Ternium Brasil Ltda.	
Usinas Siderurgicas de Minas Gerais S.A. (Usiminas).	
INDIA: Stainless Steel Flanges, C–533–878	1/23/18–12/31/18
Arien Global.	
Armstrong International Pvt. Ltd.	
Avinimetal.	
Balkrishna Steel Forge Pvt. Ltd.	
Bebitz Flanges Works Private Limited.	
Bee Gee Enterprises.	
Bsl Freight Solutions Pvt., Ltd.	
CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd).	
Chandan Steel Limited.	
Chandan Steel Ltd.	
Cipriani Harrison Valves Pvt. Ltd.	
CTL Logistics (India) Pvt. Ltd.	
Echjay Forgings Private Limited.	
Fivebros Forgings Pvt. Ltd.	
Fluid Controls Pvt. Ltd.	
Geodis Oversea Pvt., Ltd.	
Globelink WW India Pvt., Ltd.	
Goodluck India Ltd.	
Hilton Metal Forging Limited.	
Jai Auto Pvt. Ltd.	
Jay Jagdamba Forgings Private Limited.	
Jay Jagdamba Limited.	
Jay Jagdamba Profile Private Limited.	
Kisaan Die Tech.	
Kunj Forgings Pvt. Ltd.	
Montane Shipping Pvt., Ltd.	
Noble Shipping Pvt. Ltd.	
Paramount Forge.	
Pashupati Tradex Pvt., Ltd.	
Peekay Steel Castings Pvt. Ltd.	
Pradeep Metals Limited.	
Pradeep Metals Ltd.	
R D Forge Pvt., Ltd.	

	Period to be reviewed
Rolex Fittings India Pvt. Ltd.	
Rollwell Forge Pvt. Ltd.	
Safewater Lines (I) Pvt. Ltd.	
Saini Flange Pvt. Ltd.	
SAR Transport Systems.	
Shilpan Steelcast Pvt. Ltd.	
SHREE JAY JAGDAMBA FLANGES PRIVATE LIMITED.	
Shree Jay Jagdamba Flanges Pvt. Ltd.	
Teamglobal Logistics Pvt. Ltd.	
Technical Products Corporation.	
Technocraft Industries India Ltd.	
Transworld Global.	
VEEYES Engineering Pvt. Ltd.	
Vishal Shipping Agencies Pvt. Ltd.	
Yusen Logistics (India) Pvt. Ltd.	
REPUBLIC OF KOREA: Certain Hot-Rolled Steel Flat Products, C–580–884	1/1/18–12/31/18
DCE Inc.	
Dong Chuel America Inc.	
Dong Chuel Industrial Co., Ltd.	
Dongbu Incheon Steel Co., Ltd.	
Dongbu Steel Co., Ltd.	
Dongkuk Industries Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Hyewon Sni Corporation (H.S.I.).	
Hyundai Steel Company' 10. JFE Shoji Trade Korea Ltd.	
POSCO.	
POSCO Coated & Color Steel Co., Ltd.	
POSCO Daewoo Corporation.	
Soon Hong Trading Co., Ltd.	
Sung-A Steel Co., Ltd.	
TURKEY: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, C–489–825	1/1/18–12/31/18
Cag Celik Demir ve Celik Endustri A.S.[8]	
Noksel Celik Boru Sanayi A.S.[9]	
Suspension Agreements	
RUSSIA: Uranium, A–821–802	10/1/18–9/30/19

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being

[5] Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

[6] Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

[7] In the initiation notice that published on November 12, 2019 (84 FR 61011), Commerce failed to specify that subject merchandise both produced and exported by Ozdemir Boru Profil San. ve Tic. Ltd Sti. (Ozdemir) is excluded from the antidumping duty order. *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders,* 81 FR 62865 (September 13, 2016)at 62866. Thus, Ozdemir's inclusion in this administrative review is limited to entries for which Ozdemir was not both the exporter and producer of the subject merchandise.

[8] Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

[9] Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[10] available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[11] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[12] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: December 5, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–26671 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[11] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[12] *See* 19 CFR 351.302.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–846]

Sugar From Mexico: Notice of Termination of Amendment to the Agreement Suspending the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 18, 2019, the United States Court of International Trade (CIT) issued a final judgment in *CSC Sugar LLC* v. *United States,* Ct. No. 17–00214, Slip Op. 19–131 (CIT October 18, 2019) (*CSC Sugar II*), vacating the 2017 amendment to the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico. Commerce is now terminating the amendment consistent with the Court's order.

DATES: Applicable December 7, 2019.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon, Bilateral Agreements Unit, Office of Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0162.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2014, Commerce and the Government of Mexico (GOM) signed the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico (CVD Agreement).[1] Subsequent to this date, between June 2016 and June 2017, Commerce and the GOM held consultations to address concerns raised by the domestic industry and to ensure that the CVD Agreement met all of the statutory requirements for a suspension agreement, *e.g.,* that suspension of the investigation was in the public interest, including the availability of supplies of sugar in the U.S. market, and that effective monitoring was practicable. The consultations resulted in Commerce and the GOM signing the amendment to the CVD Agreement on June 30, 2017, and it was subsequently published in the **Federal Register**.[2]

CSC Sugar LLC (CSC Sugar) challenged Commerce's determination to amend the CVD Agreement by contending that Commerce did not meet its obligation to file a complete administrative record.[3] Specifically, CSC Sugar argued that Commerce failed to memorialize and include in the record *ex parte* communications between Commerce officials and interested parties (including the domestic sugar industry and representatives of Mexico), as required by section 777(a)(3) of the Tariff Act of 1930, as amended (the Act).[4]

The CIT agreed with CSC Sugar and ordered Commerce to supplement the administrative record with any *ex parte* communications regarding the *CVD Amendment.*[5] CSC Sugar subsequently filed a motion for judgment on the agency record arguing that Commerce's failure, during the consultations period, to maintain contemporaneous *ex parte* communication memoranda, in accordance with section 777(a)(3) of the Act, could not be adequately remedied by Commerce's delayed and incomplete supplementation of the record.[6]

The CIT found that Commerce's failure to follow the recordkeeping requirements of Section 777 of the Act cannot be described as ''harmless.'' [7]

[1] *See Sugar From Mexico: Suspension of Countervailing Duty Investigation,* 79 FR 78044 (December 29, 2014) (CVD Agreement).

[2] *See Sugar From Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation,* 82 FR 31942 (July 11, 2017) (*CVD Amendment*).

[3] *See CSC Sugar II* at 4.

[4] *Id.*

[5] *Id.* (citing *CSC Sugar LLC* v. *United States,* 317 F. Supp. 3d 1322, 1326 (CIT 2018)).

[6] *See CSC Sugar II* at 4.

[7] *Id.* at 11–12.

The CIT found that this recordkeeping failure substantially prejudiced CSC Sugar.[8] On that basis, the CIT stated that the *CVD Amendment* must be vacated.[9]

Termination of CVD Amendment

Consistent with the CIT's ruling in *CSC Sugar II,* Commerce is terminating the *CVD Amendment* prospectively.[10] Accordingly, as of December 7, 2019, the unamended CVD Agreement [11] is in force and effective, and the *CVD Amendment* has no force or effect.

Dated: December 6, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–26801 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RTID 0648–XV141

Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non Pollock Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of fee rate adjustment.

SUMMARY: NMFS issues this notice to inform the public that there will be an increase of the fee rate required to repay the $35,000,000 reduction loan financing the non-pollock groundfish fishing capacity reduction program. Effective January 1, 2020, NMFS is increasing the Loan A fee rate to $0.021 per pound to ensure timely loan repayment. The fee rate for Loan B will remain unchanged at $0.001 per pound.

DATES: The non-pollock groundfish program fee rate increase will begin with landings on January 1, 2020. The first due date for fee payments with the increased rate will be February 15, 2020.

ADDRESSES: Send questions about this notice to Elaine Saiz, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: Elaine Saiz, (301) 427–8752.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 312(b)–(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861 *et seq.*) generally authorizes fishing capacity reduction programs. In particular, section 312(d) authorizes industry fee systems for repaying reduction loans which finance reduction program costs. Subpart L of 50 CFR part 600 is the framework rule generally implementing section 312(b)–(e). Sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279f and 1279g) generally authorize reduction loans.

Enacted on December 8, 2004, section 219, Title II, of FY 2005 Appropriations Act, Public Law 104–447 (Act) authorizes a fishing capacity reduction program implementing capacity reduction plans submitted to NMFS by catcher processor subsectors of the Bering Sea and Aleutian Islands (''BSAI'') non-pollock groundfish fishery (''reduction fishery'') as set forth in the Act.

The longline catcher processor subsector (the ''Longline Subsector'') is among the catcher processor subsectors eligible to submit to NMFS a capacity reduction plan under the terms of the Act. The longline subsector non-pollock groundfish reduction program's objective was to reduce the number of vessels and permits endorsed for longline subsector of the non-pollock groundfish fishery. All post-reduction fish landings from the reduction fishery are subject to the longline subsector non-pollock groundfish program's fee.

NMFS proposed the implementing notice on August 11, 2006 (71 FR 46364), and published the final notice on September 29, 2006 (71 FR 57696). NMFS allocated the $35,000,000 reduction loan (A Loan) to the reduction fishery and this loan is repayable by fees from the fishery.

On September 24, 2007, NMFS published in the **Federal Register** (72 FR 54219), the final rule to implement the industry fee system for repaying the non-pollock groundfish program's reduction loan and established October 24, 2007, as the effective date when fee collection and loan repayment began. The regulations implementing the program are located at § 600.1012.

NMFS published a final rule to implement a second $2,700,000 reduction loan (B Loan) for this fishery in the **Federal Register** on September 24, 2012 (77 FR 58775). The loan was disbursed December 18, 2012 with fee collection of $0.001 per pound to begin January 1, 2013. This fee is in addition to the A Loan fee.

II. Purpose

The purpose of this notice is to adjust the fee rate for the reduction fishery in accordance with the framework rule's § 600.1013(b). Section 600.1013(b) directs NMFS to recalculate the fee rate that will be reasonably necessary to ensure reduction loan repayment within the specified 30 year term.

NMFS has determined for the reduction fishery that the current fee rate of $0.017 per pound is less than that needed to service the A Loan. Therefore, NMFS is increasing the Loan A fee rate to $0.021 per pound which NMFS has determined is sufficient to ensure timely loan repayment. The fee rate for Loan B will remain $0.001 per pound.

Subsector members may continue to use Pay.gov to disburse collected fee deposits at: *http://www.pay.gov/paygov/.*

Please visit the NMFS website for additional information at: *https://www.fisheries.noaa.gov/national/funding-and-financial-services/longline-catcher-processor-subsector-bering-sea-and-aleutian-islands-non-pollock.*

III. Notice

The new fee rate for the non-pollock Groundfish fishery will begin on January 1, 2020.

From and after this date, all subsector members paying fees on the non-pollock groundfish fishery shall begin paying non-pollock groundfish fishery program fees at the revised rate.

Fee collection and submission shall follow previously established methods in § 600.1013 of the framework rule and in the final fee rule published in the **Federal Register** on September 24, 2007 (72 FR 54219).

Authority: 16 U.S.C. 1861 *et seq.;* Pub. L. 108–447.

Dated: December 5, 2019.

Brian T. Pawlak,

Chief Financial Officer/Chief Administrative Officer, Director, Office of Management and Budget, National Marine Fisheries Service.

[FR Doc. 2019–26633 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

[8] *Id.* at 12.

[9] *Id.*

[10] Commerce is terminating the *CVD Amendment,* effective December 7, 2019. Because suspension of liquidation does not occur while the CVD Agreement is in force, termination of the *CVD Amendment* shall be prospective in effect. Accordingly, the CVD Agreement, as signed on December 19, 2014, applies to all contracts for sugar from Mexico exported from Mexico on or after December 7, 2019.

[11] *See* CVD Agreement.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR072]

Endangered Species; File Nos. 22671–01, 23096, and 23200

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of applications for permits and a permit modification.

SUMMARY: Notice is hereby given that three applicants have applied in due form for a permit to take Atlantic (*Acipenser oxyrinchus*) and shortnose (*Acipenser brevirostrum*) sturgeon for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before January 10, 2020.

ADDRESSES: The applications and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting the applicable File No. from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

Written comments on these applications should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on the application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead (for File Nos. 22671–01 and 23096) or Erin Markin (for File No. 23200), (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permits and permit modification are requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

File No. 22671–01: Permit No. 22671 was issued on March 12, 2019 (83 FR 61375), authorizing the U.S. Geological Survey (USGS), Conte Anadromous Fish Research Laboratory, 1 Migratory Way, Turners Falls, MA 01376 (Responsible Party: Adria Elskus), to take shortnose sturgeon in the Connecticut River. Researchers are currently permitted to capture adult, sub-adult and juvenile shortnose sturgeon using gill nets or trawls (*i.e.,* trawling is conducted between Turner Falls Dam and Holyoke Dam), measure, weigh, tag, tissue sample, determine gender via boroscopy, photograph, and prophylactically treat prior to release. A subset of sturgeon may be anesthetized and implanted with acoustic tags (internal or external) for tracking. Lethal sampling of early life stages (eggs and larvae) may occur using D-nets. The Permit Holder is also authorized to conduct scientific research and enhancement activities on captive, non-releasable shortnose sturgeon.

The permit holder requests additional authorization for blood sampling to evaluate stress levels experienced by the upstream-migrant shortnose sturgeon in upstream passage through the Holyoke fish elevator. Blood samples from treatment animals would be collected at the height of the fish passage elevator and also from control animals below the dam prior to entering the lift. Additionally, the permit holder requests trawling gear to be authorized for capturing shortnose sturgeon in the Connecticut River between Turner Falls Dam (MA) and Bellows Falls Dam (VT). The permit would expire on March 31, 2029.

File No. 23096: The University of Georgia, Warnell School of Forestry and Natural Resources, 180 E Green Street, Athens, GA 30602 (Responsible Party: Dale Greene) requests a permit to conduct scientific research on Atlantic and shortnose sturgeon to determine the presence, status, health, population dynamics, and movements of Atlantic and shortnose sturgeon in the coastal river basins and estuaries of Georgia and Northeast Florida (Savannah, Ogeechee, Altamaha, Satilla, and St. Marys (GA) and St. Johns/Nassau (FL)). Atlantic and shortnose sturgeon would be captured using gill nets and/or trammel nets. Juvenile, sub-adult, and adult sturgeon would be PIT tagged, tissue sampled (fin clip), measured, weighed, and photographed. A subset of individual animals may be anesthetized, internally or externally acoustically tagged, biologically sampled (fin ray, blood, gonads), and undergo endoscopy to determine sex. Lethal sampling of sturgeon eggs and larvae using artificial substrates would occur to verify spawning incidence. Tissue samples would be exported to Canada for DNA virus analysis. Incidental mortality of up to one adult/sub-adult and one juvenile Atlantic sturgeon may occur annually in the Savannah, Ogeechee, Altamaha, and Satilla Rivers; and up to one adult/sub-adult and one juvenile shortnose sturgeon may occur annually in the Savannah, Ogeechee, and Altamaha Rivers. The permit would be valid for up to 10 years from the date of issuance.

File No. 23200: The University of North Carolina, Wilmington, 601 South College Road, Wilmington, NC 28403 (Responsible Party: Frederick Scharf), requests a permit to conduct scientific research on adult, sub-adult, and juvenile Atlantic and shortnose sturgeon to determine their abundance, distribution, habitat use, and migration dynamics in the coastal rivers and estuaries of North Carolina basins (Cape Fear, Neuse, Tar/Pamlico, Roanoke/Chowan). Atlantic and shortnose sturgeon would be captured using gill nets, trammel nets, or trawls, measured, weighed, tagged (PIT, Floy), biologically sampled (tissue), and photographed/videoed. A subset of Atlantic sturgeon would be anesthetized and receive an internal acoustic tag. The permit would be valid for up to 5 years from the date of issuance.

Dated: December 6, 2019.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–26666 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XW016]

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; 2020 Cost Recovery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice, 2020 cost recovery fee percentages and Mothership Co-op (MS) Program pricing.

SUMMARY: This action provides participants in the Pacific Coast

Groundfish Trawl Rationalization Program with the 2020 fee percentages and MS pricing needed to calculate the required payments for the cost recovery fees due in 2020. For calendar year 2020, NMFS announces the following fee percentages by sector specific program: 3.00 percent for the Shorebased Individual Fishing Quota (IFQ) Program; 0.29 percent for the MS Co-op Program; and 0.08 percent for the Catcher/Processor Co-op (CP) Program. For 2020, the MS pricing to be used as a proxy by the CP Co-op Program is: $0.08/lb for Pacific whiting.

DATES: Applicable January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher Biegel, Cost Recovery Program Coordinator, (503) 231–6291, fax (503) 872–2737, email *Christopher.Biegel@NOAA.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires NMFS to collect fees to recover the costs directly related to the management, data collection and analysis, and enforcement directly related to and in support of a limited access privilege program (LAPP) (16 U.S.C. 1854(d)(2)), also called ''cost recovery.'' The Pacific Coast Groundfish Trawl Rationalization Program is a LAPP, implemented in 2011, and consists of three sector-specific programs: The Shorebased IFQ Program, the MS Co-op Program, and the CP Co-op Program. In accordance with the MSA, and based on a recommended structure and methodology developed in coordination with the Pacific Fishery Management Council (Council), NMFS began collecting mandatory fees of up to three percent of the ex-vessel value of groundfish from each program (Shorebased IFQ Program, MS Co-op Program, and CP Co-op Program) in 2014. NMFS collects the fees to recover the incremental costs of management, data collection and analysis, and enforcement of the Groundfish Trawl Rationalization Program. Additional background can be found in the cost recovery proposed and final rules, 78 FR 7371 (February 1, 2013) and 78 FR 75268 (December 11, 2013), respectively. The details of cost recovery for the Groundfish Trawl Rationalization Program are in regulation at 50 CFR 660.115 (Trawl fishery-cost recovery program), § 660.140 (Shorebased IFQ Program), § 660.150 (MS Co-op Program), and § 660.160 (CP Co-op Program).

By December 31 of each year, NMFS must announce the next year's fee percentages and the applicable MS pricing for the CP Co-op Program. NMFS calculated the 2020 fee percentages by sector using the best available information. For 2020, the fee percentages by program, taking into account the adjusted direct program costs (DPCs), are:

- 3.00 percent for the Shorebased IFQ Program,
- 0.29 percent for the MS Co-op Program, and
- 0.08 percent for the CP Co-op Program.

To calculate the fee percentages, NMFS used the formula specified in regulation at § 660.115(b)(1), where the fee percentage by sector equals the lower of three percent or DPC for that sector divided by total ex-vessel value (V) for that sector multiplied by 100 (Fee percentage = the lower of 3 percent or (DPC/V) × 100).

''DPC,'' as defined in the regulations at § 660.115(b)(1)(i), are the actual incremental costs for the previous fiscal year directly related to the management, data collection and analysis, and enforcement of each program (Shorebased IFQ Program, MS Co-op Program, and CP Co-op Program). Actual incremental costs means those net costs that would not have been incurred but for the implementation of the Groundfish Trawl Rationalization Program, including both increased costs for new requirements of the program and reduced costs resulting from any program efficiencies.

''V'', as specified at § 660.115(b)(1)(ii), is the total ex-vessel value, as defined at § 660.111, for each sector from the previous calendar year. The regulations define ex-vessel value slightly differently for each sector, thus NMFS uses slightly different methods to calculate ''V'' for each sector. For the Shorebased IFQ Program, NMFS used the ex-vessel value for calendar year 2018 as reported in Pacific Fisheries Information Network (PacFIN) from shorebased IFQ electronic fish tickets as this was the most recent complete set of data. For the MS Co-op Program and the CP Co-op Program, NMFS uses the average price of Pacific whiting as reported in PacFIN from the shorebased IFQ sector in 2018 and the retained catch estimates (weight) from the observer data, as reported in the North Pacific Observer Program database. NMFS does not collect pricing data for these two sectors so it uses the shorebased IFQ sector data as a proxy.

Redetermination of Past DPCs and Adjustment of DPCs

On August 10, 2016, the U.S. Court of Appeals for the Ninth Circuit issued its opinion in *Glacier Fish Co. LLC* v. *Pritzker,* 832 F.3d 1113 (9th Cir. 2016), a case involving a challenge to NMFS' authority to collect cost recovery fees from members of the CP Co-op Program and the reasonableness of NMFS' calculation of the CP Co-op Program's 2014 fee percentage. In response to the court decision, NMFS re-evaluated and modified the methodology used to determine the CP Co-op Program's DPC for the 2014 fee calculation. NMFS elected to apply a similar revised methodology for all programs for 2014–2016 to redetermine the DPC for those years and to continue to use the revised methodology for all programs going forward, including the 2017–2020 fee calculations.

The redetermination resulted in overpayments of the cost recovery fee by the CP and MS Co-op Programs. NMFS has continued to adjust the fees for these two sectors in subsequent years to account for this overpayment, as specified at § 660.115(b)(1)(i). This adjustment is reflected in the table below.

Based on the estimated fees received in 2019 and adjustments for overpayments by the CP and MS Co-op Programs, the adjusted DPCs for 2020 are:

	Total by sector	2018 Fee adjustment	Final sector totals
IFQ	$1,807,568.15	$0.00	$1,807,568.15
MS	107,161.38	−73,928.46	33,232.92
CP	85,435.73	−69,385.25	16,050.48

The fee calculations using the adjusted 2019 DPCs are described below.

IFQ Program:

- 3.00 percent = the lower of 3 percent or ($1,807,568.15/$54,795,365.00) × 100.

MS Co-op Program:

• 0.29 percent = the lower of 3 percent or ($33,232.92/$11,562,542.83) × 100.

CP Co-op Program:

• 0.08 percent = the lower of 3 percent or ($16,050.48/$20,307,972.13) × 100.

MS pricing is the average price per pound that the CP Co-op Program will use to determine their fee amount due (MS pricing multiplied by the value of the Pacific whiting harvested by the vessel registered to a CP-endorsed limited entry trawl permit, multiplied by the CP fee percentage, equals the fee amount due). MS pricing is based on the average price per pound of Pacific whiting as reported in PacFIN from the shorebased IFQ sector. In other words, data from the IFQ fishery was used as a proxy for the MS average price per pound to determine the MS pricing used in the calculation for the CP Co-op Program's fee amount due. NMFS has calculated the 2020 MS pricing to be used as a proxy by the CP Co-op Program as: $0.08/lb for Pacific whiting.

Cost recovery fees are submitted to NMFS by fish buyers via *Pay.gov* (*https://www.pay.gov/paygov/*). Fees are only accepted in *Pay.gov* by credit/debit card or bank transfers. Cash or checks cannot be accepted. Fish buyers registered with *Pay.gov* can login in the upper left-hand corner of the screen. Fish buyers not registered with *Pay.gov* can go to the cost recovery forms directly from the website below. The links to the *Pay.gov* forms for each program (IFQ, MS, or CP) are listed below:

IFQ: *https://www.pay.gov/public/form/start/58062865*

MS: *https://www.pay.gov/public/form/start/58378422*

CP: *https://www.pay.gov/public/form/start/58102817*

As stated in the preamble to the cost recovery proposed and final rules, in the spring of each year, NMFS will release an annual report documenting the details and data used for the above calculations. The report includes information such as the fee percentage calculation, program costs, and ex-vessel value by sector. Annual reports are available at: *http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish_catch_shares/rules_regulations/costrecovery.html.*

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C.773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

Dated: December 5, 2019.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–26618 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals and Endangered Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permits and permit modifications.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman (Permit Nos. 22835 and 23095), Jennifer Skidmore (Permit Nos. 20610–02, 22435, and 23092), and Carrie Hubard (Permit No. 23043); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to *www.federalregister.gov* and search on the permit number provided in the table below.

Permit No.	RIN	Applicant	Previous **Federal Register** notice	Permit or amendment issuance date
20610–02	0648–XF801	David Portnoy, Ph.D., Texas A&M University, Corpus Christi, TX 78412.	84 FR 50018; September 24, 2019.	November 15, 2019.
22435	0648–XR017	Northwest Fisheries Science Center, Marine Forensic Laboratory (Responsible Party: Kevin Werner, Ph.D.), 2725 Montlake Blvd East, Seattle, WA 98112.	84 FR 36054; July 26, 2019.	November 15, 2019.
22835	0648–XR003	Scripps Institute of Oceanography (Responsible Party: John Hildebrand, Ph.D.), University of California San Diego, 9500 Gilman Drive, La Jolla, CA 92093.	84 FR 31846; July 3, 2019.	November 1, 2019.
23043	0648–XR051	Devon Massyn, Natural History Unit, 2118 Manhattan Beach Blvd, Unit B, Redondo Beach, CA 90278.	84 FR 52073; October 1, 2019.	November 25, 2019.
23092	0648–PR–A004	C. Scott Baker, Ph.D., Oregon State University, Marine Mammal Institute, Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR 97365.	84 FR 49098; September 18, 2019.	November 5, 2019.
23095	0648–XR033	Ari Friedlaender, Ph.D., University of California at Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95060.	84 FR 39811; August 12, 2019.	November 13, 2019.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on

a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: December 5, 2019.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–26619 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XV139]

Fishing Capacity Reduction Program for the Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of fee rate adjustment.

SUMMARY: NMFS issues this notice to decrease the fee rate to 3.5 percent for the Pacific Coast Groundfish fee-share fishery to repay the $28,428,718.88 Groundfish sub-loan of the $35,662,471 reduction loan that financed the Pacific Coast Groundfish fishing capacity reduction program.

DATES: The fee rate decrease for the Pacific Coast Groundfish fishery will begin on landings starting on January 1, 2020. The first due date for fee payments with the decreased rate will be February 14, 2020.

ADDRESSES: Send questions about this notice to Elaine Saiz, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: Elaine Saiz, (301) 427–8752.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 312(b) through (e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a (b) through (e)) generally authorizes fishing capacity reduction programs. In particular, section 312(d) authorizes industry fee systems for repaying reduction loans that finance reduction programs. Subpart L of 50 CFR part 600 is the framework rule generally implementing section 312(b) through (e). Sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279f and 1279g) generally authorizes reduction loans.

Enacted on February 20, 2003, section 212 of Division B, Title II, of Public Law 108–7 (section 212) specifically authorizes a fishing capacity reduction program for that portion of the limited entry trawl fishery under the Pacific Coast Groundfish Fishery Management Plan whose permits, excluding those registered to whiting catcher-processors, are endorsed for trawl gear operation (reduction fishery).

The reduction program's objective was to reduce the number of vessels and permits endorsed for the operation of groundfish trawl gear. The program also involved corollary fishing capacity reduction in the California, Oregon, and Washington fisheries for Dungeness crab and pink shrimp and the sub-loans for these state fisheries have all been repaid.

NMFS proposed the implementing notice on May 28, 2003 (68 FR 31653) and published the final notice on July 18, 2003 (68 FR 42613). NMFS allocated a $28,428,719 reduction loan to the groundfish fishery. The allocation became a reduction loan repayable by fees from the groundfish fishery.

NMFS published in the **Federal Register** on July 13, 2005 (70 FR 40225), the final rule to implement the industry fee system for repaying the program's reduction loan. The regulations implementing the program are located at § 600.1012 of 50 CFR part 600's subpart M. On August 8, 2005, NMFS published in the **Federal Register** (70 FR 45695) a notice of the fee effective date and established September 8, 2005 as the effective date when fee collection and loan repayment began.

II. Purpose

The purpose of this notice is to adjust, in accordance with the framework rule's § 600.1013(b), the fee rate for the groundfish fishery. Section 600.1013(b) directs NMFS to recalculate the fee rate that will be reasonably necessary to ensure reduction loan repayment within the specified 30-year term. NMFS has determined that the current fee rate of 4.0 percent for the groundfish fishery is projected to collect more than the annual amortization amount needed for 2020. Therefore, NMFS is decreasing the fee rate to 3.5 percent for all landings beginning January 1, 2020.

Fish buyers may continue to disburse collected fee deposits to NMFS by using *www.pay.gov (http://www.pay.gov)* or by mailing payments to our lockbox. Our lockbox's address is: NOAA Fisheries Pacific Coast Groundfish Buyback, P.O. Box 979059, St. Louis, MO 63197–9000. Fish buyers must include the fee collection report with the fee payment. Fish buyers using *www.pay.gov (http://www.pay.gov*) will find an electronic fee collection report form. Fish buyers not using *www.pay.gov (http://www.pay.gov)* may also access the NMFS website for a copy of the fee collection report at: *https://www.fisheries.noaa.gov/national/funding-and-financial-services/pacific-coast-groundfish-buyback.*

III. Notice

The new 3.5 percent fee rate for the groundfish fishery will begin for all landings starting January 1, 2020. From and after this date, all groundfish program fish sellers paying fees shall begin paying groundfish program fees at the revised rate. From and after this date, all fees received by NMFS for the groundfish fishery shall be subject to the new fee rates regardless of the applicable fee month. The first due date for fee payments with the decreased rate will be February 14, 2020.

Fee collection and submission shall follow previously established methods in § 600.1013 of the framework rule and in the final fee rule published in the **Federal Register** on July 13, 2005 (70 FR 40225).

Authority: The authority for this action is Pub. L. 107 206, Pub. L. 108 7, 16 U.S.C. 1861a (b) through (e), and 50 CFR 600.1000 *et seq.*

Dated: December 5, 2019.

Brian T. Pawlak,

Chief Financial Officer/Chief Administrative Officer, Director, Office of Management and Budget, National Marine Fisheries Service.

[FR Doc. 2019–26630 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection Number 3038–0055, Privacy of Consumer Financial Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the collections of information mandated by the Commission's regulations involving Privacy of Consumer Financial Information Under Title V of the Gramm-Leach-Bliley Act.

DATES: Comments must be submitted on or before February 10, 2020.

ADDRESSES: You may submit comments, identified by ''Privacy of Consumer Financial Information,'' and OMB Control No. 3038–0055 by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Jacob Chachkin, Special Counsel, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, (202) 418–5496, email: *jchachkin@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA,[1] Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Privacy of Consumer Financial Information (OMB Control No. 3038–0055). This is a request for an extension of a currently approved information collection.

Abstract: Section 124 of the Commodity Futures Modernization Act of 2000[2] amended the Commodity Exchange Act (the ''Act'') and added a new Section 5g[3] to the Act to (i) add that futures commission merchants, commodity trading advisors, commodity pool operators, and introducing brokers that are subject to CFTC jurisdiction with respect to any financial activity shall be treated as a financial institution for purposes of Title V, Subtitle A of the Gramm-Leach-Bliley Act (''GLB Act''), (ii) treat the Commission as a Federal functional regulator for purposes of applying the provisions of the GLB Act, and (iii) direct the Commission to prescribe regulations under Title V of the GLB Act. The Commission adopted regulations for these entities under part 160 and later extended them to retail foreign exchange dealers, swap dealers, and major swap participants.[4] Part 160 requires those subject to the regulations, among other things, to provide privacy and opt out notices to customers and to adopt appropriate policies and procedures to safeguard customer records and information.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[5]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 2,789.

Estimated Average Burden Hours per Respondent: 3.0.

Estimated Total Annual Burden Hours: 8,458.

Frequency of Collection: As applicable.

There are no capital costs or operating and maintenance costs associated with this collection.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: December 5, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–26637 Filed 12–10–19; 8:45 am]

BILLING CODE 6351–01–P

[1] 44 U.S.C. 3501 *et seq.*

[2] Section 124, Appendix E of Public Law 106–554, 114 Stat. 2763 (2000).

[3] 7 U.S.C. 7b–2.

[4] 17 CFR part 160. See Privacy of Customer Information, 66 FR 21235 (April 27, 2001); Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries, 75 FR 55409 (Sept. 10, 2010); and Privacy of Consumer Financial Information; Conforming Amendments Under Dodd-Frank Act, 76 FR 43874 (July 22, 2011).

[5] 17 CFR 145.9.

BUREAU OF CONSUMER FINANCIAL PROTECTION

Supervisory Highlights Consumer Reporting Special Edition, Issue 20 (Fall 2019)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Supervisory highlights.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing its twentieth edition of its Supervisory Highlights. In this special issue of Supervisory Highlights, we report examination findings in the areas of consumer reporting and furnishing of information to consumer reporting companies, pursuant to the Fair Credit Reporting Act and Regulation V. The report does not impose any new or different legal requirements, and all violations described in the report are based only on those specific facts and circumstances noted during those examinations.

DATES: The Bureau released this edition of the Supervisory Highlights on its website on December 9, 2019.

FOR FURTHER INFORMATION CONTACT: David Wake, Senior Counsel, Office of Supervision Policy, at (202) 435–9613. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

1. Introduction

The Consumer Financial Protection Bureau (CFPB or Bureau) is committed to a consumer financial marketplace that is free, innovative, competitive, and transparent, where the rights of all parties are protected by the rule of law, and where consumers are free to choose the products and services that best fit their individual needs. To effectively accomplish this, the Bureau remains committed to sharing with the public key findings from its supervisory work to help industry limit risks to consumers and comply with Federal consumer financial law.

The findings included in this report cover examinations in the areas of consumer reporting and furnishing of information to consumer reporting companies (CRCs),[1] pursuant to the Fair Credit Reporting Act (FCRA) and Regulation V.[2] In March 2017, the CFPB published its first special edition of Supervisory Highlights dedicated to consumer reporting issues.[3] This special edition of Supervisory Highlights reports on more recent supervisory findings in this area.

Recent supervisory reviews of compliance with the FCRA and Regulation V have identified new violations and compliance management system (CMS) weaknesses at institutions within the CFPB's supervisory authority. These institutions include CRCs that are larger participants in the consumer reporting market[4] as well as furnishers subject to the Bureau's supervisory authority. These furnishers include banks, mortgage servicers, auto loan servicers, student loan servicers, and debt collectors.

The information contained in Supervisory Highlights is disseminated to communicate the Bureau's supervisory expectations to CRCs and furnishers that those institutions comply with the applicable provisions of the FCRA and Regulation V. This document does not impose any new or different legal requirements. In addition, the legal violations described in this and previous issues of Supervisory Highlights are based on the particular facts and circumstances reviewed by the Bureau as part of its examinations. A conclusion that a legal violation exists on the facts and circumstances described here may not lead to such a finding under different facts and circumstances.

We invite readers with questions or comments about the findings and legal analysis reported in Supervisory Highlights to contact us at *CFPB_Supervision@cfpb.gov.*

2. Supervisory Observations at Furnishers

Furnishers of information play a crucial role in the accuracy and integrity of consumer reports when they provide information to CRCs. Inaccurate information from furnishers can lead to inaccurate reports and consumer and market harm. For example, inaccurate information on a consumer report can impact a consumer's ability to obtain credit or open a new deposit or savings account at a bank. Moreover, furnishers have an important role in the dispute process when consumers dispute the accuracy of information in their consumer reports. Consumers may dispute information that appears on their consumer report directly to furnishers (''direct disputes'') or indirectly through CRCs (''indirect disputes''). When furnishers receive direct or indirect disputes, they are required to investigate the disputes to verify the accuracy of the information furnished.[5] A timely and responsive reply to a consumer dispute may reduce the impact inaccurate negative information in a consumer report may have on the consumer. The FCRA and Regulation V set forth requirements for furnishers concerning both accuracy and dispute handling. To ensure compliance with these requirements, Supervision regularly conducts reviews at furnishers subject to its supervisory authority.

In recent supervisory reviews, examiners found CMS weaknesses and violations of the FCRA and Regulation V. In such cases, the furnisher(s) have taken or are taking corrective action.

2.1 Reasonable, Written Policies and Procedures

Regulation V requires furnishers to establish and implement reasonable written policies and procedures regarding the accuracy and integrity of the information relating to consumers that they provide to CRCs.[6] Such policies and procedures must be appropriate to the nature, size, complexity, and scope of each furnisher's activities.[7] Furnishers must consider and incorporate, as appropriate, the guidelines of appendix E to Regulation V when developing their policies and procedures.[8] In a previous issue of Supervisory Highlights, we described supervisory findings of furnishers that violated these requirements.[9] In recent supervisory reviews, we have identified further violations of the Regulation V requirement for reasonable written policies and procedures. In the section below, we have highlighted key findings according to the products for which information is being furnished, in keeping with the Regulation V requirement that the procedures be ''appropriate to the nature, size, complexity, and scope of the furnisher's activities.''

2.1.1 Mortgage Furnishers

In one or more reviews of furnishers of mortgage loans, examiners found that the furnishers' policies and procedures

[1] The term ''consumer reporting company'' means the same as ''consumer reporting agency,'' as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), including nationwide consumer reporting agencies as defined in 15 U.S.C. 1681a(p) and nationwide specialty consumer reporting agencies as defined in 15 U.S.C. 1681a(x).

[2] 15 U.S.C. 1681 *et seq.* and 12 CFR part 1022.

[3] CFPB, Supervisory Highlights (Winter 2017), *available at https://files.consumerfinance.gov/f/documents/201703_cfpb_Supervisory-Highlights-Consumer-Reporting-Special-Edition.pdf.*

[4] Larger participants in the consumer reporting market are defined in 12 CFR 1090.104.

[5] 15 U.S.C. 1681s–2(a)(8), 15 U.S.C. 1681s–2(b); 12 CFR 1022.43.

[6] 12 CFR 1022.42(a).

[7] *Id.*

[8] 12 CFR 1022.42(b).

[9] CFPB, Supervisory Highlights, Winter 2017, at 13–17 (March 2017).

were not appropriate to the nature, size, complexity, and scope of the furnisher's activities. For example, one or more furnishers maintained general FCRA-related policies and procedures that did not provide sufficient guidance for responding to disputes in a timely manner or reporting credit reporting changes in furnished accounts when the status of such accounts had changed. As a result of these findings, one or more furnishers are developing and implementing reasonable furnishing procedures governing the accurate reporting of accounts designed to ensure the timely update of information to reflect the current status of consumer accounts.

2.1.2 Auto Loan Furnishers

In one or more reviews of furnishers of auto loans, examiners found that the furnishers' policies and procedures did not provide sufficient guidance for conducting reasonable investigations of indirect disputes that contain allegations of identity theft. For example, the furnishers' policies and procedures did not specify that agents investigating disputes alleging identity theft should review internal records of fraud investigations before completing dispute investigations and responding to CRCs. As a result of these findings, one or more furnishers are developing and implementing policies and procedures with respect to identity theft disputes to ensure the furnisher conducts its investigation, including review of internal records, prior to responding to the CRC.

2.1.3 Debt Collection Furnishers

In one or more reviews of debt collection furnishers, examiners found that the furnishers' policies and procedures did not differentiate between FCRA disputes, FDCPA disputes, or validation requests. In this regard, the furnishers categorized and handled direct FCRA disputes, FDCPA disputes, and validation requests the same way and without consideration for the applicable regulatory requirements. Furthermore, the policies and procedures did not address the regulatory timeframes for conducting reasonable investigations of disputes, or for reporting the results of the investigations to the consumers or to CRCs, as appropriate. Instead, the policies and procedures provided general instructions on how to indicate that accounts are disputed and how to label dispute-related correspondence from consumers. The policies and procedures did not contain any substantive instructions on how to conduct investigations of disputed accounts. Following these findings, one or more furnishers are developing and implementing reasonable policies and procedures covering the steps necessary to conduct reasonable and timely investigations of disputes, as that term is defined in Regulation V.

2.1.4 Deposit Account Furnishers

Examiners found that one or more furnishers of deposit account information to specialty CRCs had no written policies or procedures for furnishing such information to specialty CRCs. In response to this finding, one or more deposit account furnishers are developing and implementing reasonable written policies and procedures regarding furnishing to specialty deposit CRCs.

Examiners also found that one or more deposit account furnishers did not have reasonable written policies and procedures regarding deposit account information. For example, policies and procedures did not require that the furnishers validate the data furnished to specialty deposit CRCs, causing the furnisher to inaccurately furnish consumers' account status information to one or more specialty CRCs. One or more deposit account furnishers are evaluating the effectiveness of existing policies and procedures regarding the accuracy and integrity of information furnished to nationwide specialty CRCs and develop new written policies where appropriate.

2.1.5 Improvements in Furnishing Policies and Procedures

In follow-up reviews at furnishers previously examined, examiners found that one or more furnishers had made significant improvements in furnishing policies and procedures. For example, one or more furnishers updated their policies and procedures to incorporate specific requirements to ensure dispute investigation agents conduct reasonable dispute investigations and document their work. Revised dispute investigation procedures include an extensive list of internal systems and sources that dispute agents must research when investigating a dispute. Updated procedures also dictate that the furnisher retains dispute investigation documentation and records, including imaged screenshots, for a minimum of seven years.

In another example of improved furnishing policies and procedures, examiners found that one or more deposit furnishers documented improved quality monitoring procedures to impose enhanced sampling and oversight procedures regarding furnished deposits information. Additionally, one or more furnishers improved procedures governing when to delete, update, and correct information in its records to avoid furnishing inaccurate information to specialty CRAs. One such new procedure required the furnisher to conduct a root-cause analysis of dispute results to ensure that when dispute investigations identify systemic errors, the furnisher corrects furnished data about other accounts that were also affected by similar errors.

2.2 Prohibition of Reporting Information With Actual Knowledge of Errors

The FCRA prohibits furnishers from furnishing any information relating to a consumer to any CRC if the furnisher ''knows or has reasonable cause to believe that the information is inaccurate.'' [10] However, a furnisher is not subject to this prohibition if it ''clearly and conspicuously specifies to the consumer an address'' at which consumers can send notices that specific information reported by the furnisher is inaccurate.[11] CFPB examiners found that one or more furnishers furnished information they knew or had reasonable cause to believe was inaccurate. One or more furnishers reported thousands of accounts to one or more CRCs with inaccurate derogatory status codes. The accounts were furnished inaccurately because of coding errors. The furnishers had reasonable cause to believe the information was inaccurate because consumers filed disputes with one or more CRCs identifying the errors, and those disputes were forwarded to the furnishers for investigation. The furnishers, in investigating the disputes, failed to conduct root-cause analysis that would have identified the issue as a systemic source of inaccuracy. Further, the furnishers did not clearly and conspicuously specify to consumers an address at which consumers could send notices that furnished information was inaccurate. The furnishers provided an address to consumers for direct disputes, but that address was provided on the last page of lengthy consumer disclosures under a heading of ''Additional Information and Use Disclosures'' that followed topics such as ''General Terms,'' ''Arbitration,'' and ''Privacy Notice.'' Examiners concluded that these notices did not qualify as ''clear and conspicuous.'' After discovery of these inaccuracies, one or more furnishers implemented a program fix for the inaccurate coding issue and

[10] 15 U.S.C. 1681s–2(a)(1)(A).

[11] 15 U.S.C. 1681s–2(a)(1)(C).

conducted a review of all furnished accounts to identify and correct the furnishing of all affected consumers.

2.3 Duty To Correct and Update Information

If a furnisher who ''regularly and in the ordinary course of business furnishes information to one or more [CRCs] about the person's transactions or experiences with any consumer'' has furnished to a CRC information that the furnisher determines is not complete or accurate, it shall promptly notify the CRC of that determination and provide to the CRC any corrections to that information, or any additional information, that is necessary to make the information provided to the CRC complete and accurate, and shall not thereafter furnish to the CRC any of the information that remains not complete or accurate.[12]

The CFPB has identified violations of this provision in one or more recent furnisher reviews. For example, in one or more reviews of auto loan furnishers, examiners found that the furnishers failed to provide prompt notifications to CRCs of their determinations that information they had previously furnished was inaccurate because the furnishers had found that the loans had been opened as a result of identity theft. In such cases, the furnishers recorded the results of their investigations internally, but failed to make the corrections necessary to make the furnished information accurate. In response to these findings, one or more auto furnishers are developing and implementing policies and procedures to ensure that they promptly notify CRCs and/or correct information furnished, as appropriate, if they find that information they had previously furnished is inaccurate.

As another example, in one or more reviews of deposit account furnishers, examiners found that the furnishers failed to promptly correct and update deposit account information reported to nationwide specialty CRCs that the furnishers determined was not complete or accurate. Examiners identified several situations where the furnishers failed to promptly update or correct information. These situations included when consumers' charged-off balances had been discharged in bankruptcy, and when consumers paid their charged-off balances in full. In both situations, the furnishers updated their systems of record to indicate that the status of the accounts had changed but failed to update and correct the information furnished to CRCs about these accounts. In response to these findings, one or more furnishers are updating account information with the relevant CRCs for all impacted accounts and enhancing furnishing procedures.

In one or more follow up deposit account furnisher reviews to address the furnishers' prior failure to update and correct information when consumers paid-in-full or settled-in-full, examiners found one or more deposit account furnishers had improved furnishing activities to address the failure to correct and update information required by the FCRA. To address this violation and the matters requiring attention from the prior exam, one or more furnishers of deposit account information took several actions, including:

- System changes that included the creation of coding processes to automated systems to identify consumers who paid in-full, and where appropriate, notification to CRCs of the corrected status of affected consumers;
- Notification to CRCs of the correct status of paid-in-full and settled-in-full consumer accounts;
- Improved tracking of paid-in-full and settled-in-full consumers and the establishment of a trigger to update the CRCs once final payment is made without requiring consumer to notify the furnisher;
- Enhanced policies and procedures and new policies and procedures to adhere to the requirements of the FCRA and Regulation V, including modification of standards for reporting fraud or account abuse and use of appropriate closure codes; and
- Improved dispute monitoring and tracking, as well as analysis of disputes to improve the accuracy and integrity of information furnished to CRCs.

One or more deposit account furnishers adequately addressed the matters requiring attention from the prior exam(s) and properly notified CRCs of the correct status of all paid in full and settled in full accounts.

2.4 Duty To Provide Notice of Delinquency of Accounts

The date of first delinquency is important for CRCs, creditors, and consumers because it determines when information on a consumer report becomes obsolete and may no longer be reported.[13] The FCRA requires furnishers of information regarding delinquent accounts to report the date of delinquency to the CRC within 90 days.[14] The FCRA specifies that the date of first delinquency reported by the furnisher ''shall be the month and year of the commencement of the delinquency on the account that immediately preceded the action.'' [15]

In one or more reviews, furnishers reported the incorrect date of first delinquency. For example, one or more furnishers of auto loans furnished the date of repossession of the collateral vehicle, rather than the date of first delinquency. The date of repossession at this furnisher was several months after the date of first missed payment.

2.5 Obligations Upon Notice of Dispute

Pursuant to the FCRA and Regulation V, consumers can file disputes concerning the accuracy of information contained in a consumer report with the CRCs as well as directly with the furnisher of that information.[16] Whether filed directly with the furnisher or indirectly through a CRC, the furnisher must conduct a reasonable investigation of the dispute.[17] Further, for direct disputes, the furnisher must complete its investigation of the dispute and respond to the consumer before the expiration of the time period under section 611(a)(1) of the FCRA.[18] Finally, if the furnisher determines that a direct dispute is frivolous or irrelevant, it must provide notice of that determination to the consumer.[19]

2.5.1 Duty To Conduct Reasonable Investigation of Dispute

For disputes filed directly with furnishers, Regulation V requires furnishers to conduct a reasonable investigation with respect to the disputed information and review all relevant information provided by the consumer with the dispute notice.[20] Examiners found one or more furnishers violated these provisions when the furnishers failed to investigate disputes submitted by consumers. At one or more furnishers, backlogs of thousands of direct disputes accumulated in document processing queues and were not investigated or responded to at all. When the furnishers discovered the

[12] 15 U.S.C. 1681s–2(a)(2)(B).

[13] 15 U.S.C. 1681c(a)–(b). Information may be reported if certain exceptions specified in the statute apply.

[14] 15 U.S.C. 1681s–2(a)(5)(A). This provision applies to accounts being placed for collection, charged to profit or loss, or subjected to similar action.

[15] *Id.*

[16] Disputes filed with CRCs are governed by 15 U.S.C. 1681i and 1681s–2(b). Disputes filed directly with the furnisher are governed by 15 U.S.C. 1681s–2(a)(8) *as implemented by* Regulation V, 12 CFR 1022.43.

[17] 15 U.S.C. 1681s–2(b)(1)(A) (indirect disputes); 12 CFR 1022.43(e)(1) (direct disputes).

[18] 15 U.S.C. 1681s–2(a)(8)(E)(iii). See also 15 U.S.C. 1681i(a)(1).

[19] 15 U.S.C. 1681s–2(a)(F)(ii); 12 CFR 1022.43(f)(2).

[20] 12 CFR 1022.43(e)(1–2).

backlogs, the furnishers responded to the disputes pursuant to methodologies that broadly categorized the backlogged account correspondence, which resulted in the furnishers failing to undertake individual investigation of the disputes in the backlogs.

For indirect disputes filed with CRCs, the FCRA requires that, upon receiving notice of the dispute from the CRC, the furnisher must conduct an investigation with respect to the disputed information and review all relevant information provided by the CRC.[21] The standard for investigation of indirect disputes is, like direct disputes, that the furnisher's investigation must be reasonable.[22] Examiners found one or more furnishers violated these provisions when the furnishers responded to CRC notices of disputes without verifying the accuracy of the disputed information but instead with instructions to the CRC that the consumer should contact the furnisher directly and that the disputed information should not be deleted. In response to these findings, one or more furnishers are developing dispute handling policies and procedures to ensure the investigation of disputes is in accordance with the requirements of the FCRA.

In another example, one or more furnishers failed to conduct reasonable investigations of indirect disputes where the disputes alleged identity theft. The furnishers responded to such disputes and verified the disputed information as accurate without reviewing their own system records as part of the investigation. Had the furnishers reviewed their own records, examiners found, they would have seen that some of the disputed accounts were, in fact, the result of identity theft. In response to these findings, one or more furnishers are developing and implementing policies and procedures with respect to indirect identity theft disputes to ensure that the furnishers conduct their investigation of the dispute, including a review of internal records, prior to responding to the CRC.

2.5.2 Duty To Complete Dispute Investigations Timely

After receiving a dispute notice from a consumer, a furnisher is required under Regulation V to complete a reasonable investigation and report the results of the investigation to the consumer within the timeframe required, which is generally 30 days but can be extended up to 45 days in limited circumstances.[23]

One or more furnishers failed to complete dispute investigations within this timeframe, resulting in delayed notice to consumers of dispute results as well as delayed deletion of delinquencies from consumers' credit reports. In one or more examinations, examiners found system design flaws—including coding errors and poor work stream management that resulted in a backlog of complaints that were not investigated or responded to in a timely manner. At one or more furnishers, examiners also identified inadequate control policies, poor resource allocation, and weak oversight that led to the results of dispute investigations not being sent to consumers. In response to these findings, one or more furnishers are updating policies and procedures, improving staff training, and implementing software enhancements.

2.5.3 Duty To Notify Consumer of Determination That Dispute Is Frivolous or Irrelevant

When consumers file disputes directly with a furnisher, Regulation V allows the furnisher to decline to investigate the dispute if the furnisher has ''reasonably determined that the dispute is frivolous or irrelevant.'' [24] A dispute qualifies as ''frivolous or irrelevant'' if (i) the consumer did not provide sufficient information to investigate the disputed information, (ii) the consumer's dispute is substantially the same as a dispute previously submitted by the consumer, and the furnisher has already investigated the dispute and responded as required, or (iii) an exception applies to the dispute investigation requirement.[25] If a furnisher determines that the dispute is frivolous or irrelevant, the furnisher must provide notice to consumers of its determination (''frivolousness notices'').[26] Furnishers must notify the consumers of such determinations no later than five business days after the furnishers made the determination by mail or, if authorized by the consumer for that purpose, by any other means available to the furnisher.[27]

Examiners found that one or more furnishers failed to provide frivolousness notices to consumers when the furnisher determined that the consumers' disputes were frivolous or irrelevant when the furnisher believed the disputes were from credit repair organizations. When agents for one or more furnishers determined that disputes were sent by a credit repair agency, the disputes would be discarded as frivolous. Although these disputes were considered frivolous, no frivolousness notices were sent to consumers.

Examiners also found one or more furnishers failed to send frivolousness notices for consumer disputes when they believed the disputes were the same as another previously submitted dispute by or on behalf of consumers that had already been investigated and addressed. Although one or more furnishers had a policy stating that consumers must be notified within five days of determining that the dispute is frivolous, one or more furnishers failed to provide such notifications to consumers.

In addition to requiring that the furnisher send frivolousness notices, Regulation V also requires furnishers to include the reasons for determinations that disputes are frivolous and identify any information required to investigate the disputed information.[28] Examiners found that one or more furnishers failed to consistently send frivolousness notices and failed to communicate the reasons for such determinations to the consumers. Instead, one or more furnishers simply provided consumers with letters stating that there would be no further correspondence unless the consumers provided new information. The letters did not include the reason for the frivolousness determination and did not identify information required to investigate the disputed information as required by Regulation V. In response to these findings, one or more furnishers updated, documented and implemented policies and procedures to ensure they respond to all disputes, including those determined to be frivolous, to ensure compliance with legal requirements.

3. Supervisory Observations at Consumer Reporting Companies

Participants in the larger participant market for consumer reporting include nationwide consumer reporting companies as well as some consumer report resellers and specialty consumer reporting companies.[29] Recent

[21] 15 U.S.C. 1681s–2(b)(1)(A)–(B).

[22] *See, e.g., Johnson* v. *MBNA Am. Bank,* 357 F.3d 426, 430–31 (4th Cir. 2004) (holding that the furnisher, after receiving notice of a consumer dispute, must conduct a reasonable investigation to determine whether the disputed information can be verified).

[23] 15 U.S.C. 1681s–2(a)(8)(E)(iii); 12 CFR 1022.42(e)(3). *See also* 15 U.S.C. 1681i(a)(1).

[24] 15 U.S.C. 1681s–2(a)(8)(F); 12 CFR 1022.43(f)(1).

[25] 15 U.S.C. 1681s–2(a)(8)(F)(i); 12 CFR 1022.43(f)(1)(i)–(iii).

[26] 15 U.S.C. 1681s–2(a)(8)(F)(ii); 12 CFR 1022.43(f)(2).

[27] *Id.*

[28] 15 U.S.C. 1681s–2(a)(8)(F)(iii); 12 CFR 1022.43(f)(3).

[29] The term ''consumer reporting company'' means the same as ''consumer reporting agency,'' as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), including nationwide consumer reporting agencies as defined in 15 U.S.C. 1681a(p) and

supervisory reviews of CRCs have evaluated compliance with FCRA provisions regarding the CRC's procedures to ensure maximum possible accuracy of information, as well as provisions regarding permissible purpose, restriction of information resulting from identity theft, and dispute investigation obligations.[30] Examiners identified violations and weaknesses in procedures associated with these FCRA provisions.

As a result of these reviews, CRCs have continued to make improvements to procedures regarding the accuracy of information contained in consumer reports. CRCs have also improved procedures to monitor users to help ensure that consumer reports are not furnished to users when the CRC has reasonable grounds for believing the user lacks a permissible purpose. CRCs have also implemented improvements in procedures to block information that a consumer has identified as resulting from an alleged identity theft and reasonably to investigate and respond to disputes from consumers regarding the accuracy or completeness of information in consumer files. The following sections discuss the observations in these areas at CRCs and the improvements made by these entities following these reviews.

3.1 Reasonable Procedures To Assure Maximum Possible Accuracy

The FCRA states that ''Inaccurate credit reports directly impair the efficiency of the banking system. . .'' and that CRCs ''have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.'' [31] In recognition of this core concern with accuracy in consumer reports, the FCRA requires that, ''[w]henever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.'' [32]

Examiners found that one or more nationwide specialty CRCs failed to follow reasonable procedures to assure maximum possible accuracy by exempting certain furnishers from a data validation testing procedure without a valid basis. The CRCs had implemented an accuracy procedure under which the CRCs validated the data reported by direct furnishers on an annual basis. However, the CRCs' procedure exempted from this validation procedure smaller direct furnishers that contributed low volume of data. Further, the CRCs procedure also exempted all indirect furnishers, who contributed data to the CRCs through a reseller. Examiners concluded that the exemption of these low-volume direct furnishers and indirect furnishers posed an unreasonable risk of producing errors in consumer reports. In response to these findings, one or more CRCs are conducting data validation testing on all direct and indirect furnishers, without exceptions, and will be reporting the results of such testing to the CFPB.

Examiners also found that one or more nationwide specialty CRCs failed to follow reasonable procedures to assure maximum possible accuracy by failing to properly process files furnished to the CRCs by certain furnishers. The CRCs failed to fully process incoming data files from multiple data furnishers on several occasions. The files that were not properly processed resulted in the inclusion of inaccurate, derogatory information in consumer reports. Further, for a period of more than 12 months, the CRCs failed to receive any data from one or more furnishers because the furnishers had applied an incorrect technology parameter, preventing the furnishers' data files from reaching the CRCs. This failure to receive updated data resulted in inaccurate, derogatory information being included in consumer reports. Subsequent to the discovery of these errors, one or more CRCs have implemented data monitoring procedures that are designed to notify furnishers of such data processing errors.

3.2 Duty To Limit the Furnishing of Consumer Reports to Permissible Purposes

The FCRA states that ''there is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.'' [33] The FCRA protects consumers' privacy, in part, by stating that CRCs may furnish consumer reports only to persons who have a permissible purpose to use or obtain the information in the report.[34] Further, the FCRA requires CRCs to maintain reasonable procedures designed to limit the furnishing of consumer reports to users with a permissible purpose.[35]

Supervision conducted one or more reviews of CRCs to evaluate the entities' permissible purpose procedures. In these reviews, examiners found that one or more CRCs have procedures to verify the identity and permissible purposes of new prospective users, which one or more CRCs refer to as ''credentialing.'' Further, examiners found that one or more CRCs have procedures to monitor that users have a permissible purpose when users obtain consumer reports.

However, examiners also found CMS weaknesses in one or more CRCs' permissible purpose procedures. For example, one or more CRCs lacked procedures to conduct proactive re-credentialing reviews of its users. Under such a re-credentialing review, the CRCs review existing users to confirm that the user continues to have a permissible purpose to use and obtain consumer reports. Examiners found that the CRCs had procedures to conduct re-credentialing reviews of users only when users notified the CRCs of a change in ownership, name, status, or nature of business or if the CRCs' monitoring identified a specific potential permissible purpose violation by a user. The CRCs did not, however, have a procedure to review the credentialing of users based on the length of time since the user was previously reviewed. As a result of these findings, one or more CRCs are implementing proactive re-credentialing policies and procedures that consider factors such as the time since a user was last credentialed for permissible purpose.

Examiners also found CMS weaknesses in the monitoring procedures at one or more CRCs regarding permissible purpose. For example, one or more CRCs failed to monitor users or resellers that requested the CRCs delete large numbers of hard inquiry records from consumer reports. When users obtain consumer reports from CRCs, the CRCs document that event by entering an inquiry record in the relevant consumer's file. Depending on the user's permissible purpose, the inquiry may be visible for up to a year to other users/creditors that obtain the consumer's report as well as being visible to the consumer; or instead it may be visible only to the consumer.[36]

nationwide specialty consumer reporting agencies as defined in 15 U.S.C. 1681a(x). The term ''reseller'' is defined in 15 U.S.C. 1681a(u).

[30] FCRA obligations regarding accuracy procedures are detailed at 15 U.S.C. 1681e(b); the permissible purpose provisions are detailed at 15 U.S.C. 1681b and 15 U.S.C. 1681e(a); the ID theft block provisions are detailed at 15 U.S.C. 1681c–2; and the dispute process requirements applicable to CRCs are detailed at 15 U.S.C. 1681i.

[31] 15 U.S.C. 1681(a)(1)–(3).

[32] 15 U.S.C. 1681e(b).

[33] 15 U.S.C. 1681(a)(4).

[34] 15 U.S.C. 1681b(a).

[35] 15 U.S.C. 1681e(a).

[36] The CRC must disclose to the consumer the identity of all users who obtained that consumer's

Continued

When a record of an inquiry is visible to other creditors, it is known as a ''hard inquiry'' and when it is visible only to the consumer, it is known as a ''soft inquiry.'' One or more CRCs have procedures that allow users to request that the CRCs delete hard inquiries from consumer reports, usually by converting them into soft inquiries. Users may request such deletions to protect consumers who may be victims of identity theft. For example, if a consumer notifies a creditor that an account was opened in his or her name due to fraud or identity theft, the creditor may, in addition to closing the account, contact the CRCs and request that the CRCs delete the hard inquiry from the consumers' credit report. But users may also ask that inquiries be deleted because the user did not have a permissible purpose to obtain the report. Examiners found that one or more CRCs had no procedure for monitoring the users who requested such deletions at higher rates than usual, which may be a risk indicator that a user is obtaining consumer reports without any permissible purpose. As a result of these findings, one or more CRCs are enhancing permissible purpose monitoring systems to include user inquiry change or deletion request volume as a potential risk area for investigation of user permissible purpose.

3.3 Blocking Information Resulting From Identity Theft

The FCRA requires that, unless an exception applies, a CRC must ''block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft'' provided that the consumer provides required information.[37] The CRC is then required to promptly notify the furnisher of the information identified by the consumer.[38] The CRC may decline to block the information, or may rescind a block, if the CRC ''reasonably determines'' that the consumer requested the block in error, based on a material misrepresentation of the facts, or the consumer obtained goods, services, or money as a result of the transaction.[39] Finally, if the CRC determines to decline to block the information requested by the consumer, the CRC must notify the consumer promptly of the determination in writing or, if authorized by the consumer for that purpose, by any other means available to the CRC.[40]

Examiners found that one or more nationwide specialty CRCs violated the requirements of this provision of the FCRA. When consumers submitted an identity theft block request with all required underlying documentation, the CRCs forwarded the information to furnishers and relied on the furnishers' response without making an independent determination, even in cases where the furnisher stated no block should be applied. Therefore, examiners concluded that the CRCs did not reasonably determine to decline the block and on what basis, as required by the statute. Following this finding, one or more nationwide specialty CRCs are changing procedures to the identity-theft block provisions of the FCRA. These changes include adopting new policies and procedures that require that the CRCs block the identified information within four business days of receiving a valid identity theft report. Revised procedures also included that for any identity theft block request that the CRCs declines or rescinded, the CRCs includes documentation of the rationale for denying or rescinding the block to ensure that decisions can be monitored and audited for compliance with the FCRA.

3.4 Dispute Investigation

Supervision has continued its focus on reviewing CRCs' compliance with the provisions of the FCRA governing consumer disputes. In previous issues of Supervisory Highlights, we discussed findings at one or more CRCs regarding violations of several provisions in this area.[41] The FCRA right to dispute inaccurate information and have that dispute be reasonably investigated by the CRC and relevant furnisher is a key consumer protection in the statute. These protections recognize that consumers may identify inaccuracies in their own reports and sets out procedures that CRCs must follow before allowing such information to continue to be reported.

In recent reviews, examiners have identified new violations of several subsections of this area of the FCRA. These new violations include failures by CRCs to conduct reasonable dispute investigations, breakdowns in the required notification procedures to furnishers about disputes, failures of CRCs to provide notices of results to consumers, and failure of resellers to convey notice of disputes to CRCs that provided the disputed information.

3.4.1 Duty To Conduct a Reasonable Reinvestigation

The FCRA requires that when a consumer disputes the completeness or accuracy of an item of information in their file, the CRC must ''conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate and record the current status of the disputed information, or delete the item from the file. . . .''[42]

Examiners found that one or more CRCs systematically violated this requirement by failing to initiate investigations after notice of the dispute. When the CRCs received disputes related to identity theft or fraud via telephone, they instructed consumers to submit the dispute in writing and did not initiate investigations until the consumer resubmitted in written form. Examiners concluded that the FCRA does not permit a CRC to decline to investigate disputes in this manner. According to the FCRA, the CRC must conduct a dispute investigation when it receives notice of the dispute information. As a result of these findings, one or more CRCs enhanced their dispute resolution process by updating policies, procedures, and training materials, and requiring agents to initiate investigations of all disputes received via telephone.

The FCRA also requires that, in conducting its dispute investigation, the CRC must ''review and consider all relevant information submitted by the consumer . . . with respect to such disputed information.''[43] Examiners found that one or more CRCs failed to review and consider all such relevant information. The CRCs relied on the furnisher's response in validating information from a dispute, without independently considering the relevant information or documentation provided by the consumer when that information called into question the accuracy or validity of the information provided by the furnishers. In response to these findings, one or more CRCs updated procedures to more clearly describe that agents must review all relevant information the consumer provided. However, in a follow-up review at one or more CRCs, examiners found that these revised procedures were not fully implemented, causing the CRCs to continue to fail to review and consider all relevant information provided by

report, pursuant to 15 U.S.C. 1681g(a)(3). For more information about the differences between hard inquiries and soft inquiries, *see* CFPB, *Key Dimensions and Processes in the U.S. Credit Reporting System,* at 9 (Dec. 2012).

[37] 15 U.S.C. 1681c–2(a).

[38] 15 U.S.C. 1681c–2(b).

[39] 15 U.S.C. 1681c–2(c).

[40] 15 U.S.C. 1681c–2(c)(2).

[41] *See, e.g.,* CFPB, Supervisory Highlights, Winter 2017, at 9–11 (March 2017).

[42] 15 U.S.C. 1681i(a)(1)(A).

[43] 15 U.S.C. 1681i(a)(4).

consumers in support of disputes. The Bureau will continue to monitor compliance in this area.

The FCRA generally requires that the CRCs' dispute investigations must be completed ''before the end of the 30-day period beginning on the date on which the agency receives the notice of dispute from the consumer or reseller.'' [44] Examiners found that one or more CRCs failed to complete the investigation within this 30-day timeframe. The CRCs incorrectly recorded the date of disputes filed on weekends, holidays, and after-hours. These disputes were incorrectly recorded in systems as being filed the next business day. As a result of these findings, one or more CRCs took action to correct the system logic and reassess those disputes.

3.4.2 Duty To Provide Prompt Notice of Dispute to Furnisher

The FCRA requires that when a CRC receives a notice of a dispute from a consumer, the CRC must ''provide notification of the dispute to any person who provided any item of information in dispute. . . .'' [45] This notice must be provided ''[b]efore the expiration of the 5-business-day period beginning on the date on which a [CRC] receives notice of the dispute. . . .'' [46]

Examiners found that one or more CRCs violated this provision of the FCRA when they failed to notify furnishers of a consumer's dispute within five business days of receiving a dispute. This violation occurred in thousands of disputes over several months. This violation was caused by lack of adequate staffing at the CRCs and was not detected by the CRCs' compliance monitoring. As a result of the examination findings, the CRCs developed and implemented dispute investigation procedures to ensure agents provide required notices to furnishers and forward all relevant information regarding the dispute within the mandatory time periods.

3.4.3 Duty To Notify Furnisher That Inaccurate, Incomplete, or Unverified Information Has Been Modified or Deleted

When a CRC has completed its dispute investigation, if the CRC finds that any disputed information is inaccurate or incomplete or unable to be verified, the FCRA requires the CRC to ''promptly notify the furnisher of that information that the information has been modified or deleted from the file of the consumer.'' [47]

In one or more reviews of nationwide specialty CRCs, examiners identified instances where one or more specialty CRCs failed to notify furnishers that information from the consumer's file had been modified or deleted after an investigation. In these instances, one or more CRCs were informed by the furnisher that a modification or deletion was necessary. One or more specialty CRCs investigation agents then modified or deleted the incorrect information but failed to inform the furnisher of the action taken, as required by the FCRA. In other instances, the information was internally resolved in the consumer's favor by one or more specialty CRCs but either the CRCs did not provide the notice to the furnishers of the modification or deletion, or they did not provide ''prompt'' notice to the furnisher required by the FCRA. As a result of these findings, one or more specialty CRCs developed and implemented dispute investigation procedures to ensure agent provide the required notice consistent with the requirements in the FCRA.

Additionally, examiners found that one or more CRCs failed to promptly send furnishers notices when investigations found that information was not accurate and information was changed in the consumer's file. One or more CRCs admitted that they failed to transmit approximately 2.7 million notices over a period of approximately two months. The cause for the failure was a programming error. This failure primarily affected consumers who submitted direct disputes to furnishers but some consumers who submitted indirect disputes to CRCs were also affected. As a result of this finding, one or more CRCs are fixing the programming error and enhancing their internal monitoring to avoid future issues of this type.

3.4.4 Duty To Provide Consumer With Written Notice of Results of Reinvestigation

The FCRA requires that, upon completion of the reasonable reinvestigation, the CRC must provide written notice of the results to the consumer not later than five business days after completion of the reinvestigation.[48] Examiners found that one or more CRCs failed to send consumers results notices as required when the consumer sent the CRCs a dispute that was not accompanied by a consumer identification and certification form. In such cases, the CRCs resolved the dispute and, where necessary updated its records, but did not send the consumer the required notice of results. In response to these findings, one or more CRCs are developing and implementing policies and procedures to send consumers notifications of the results of disputes even when the consumer did not provide a consumer identification and certification form with the dispute.

3.4.5 Duty of Reseller To Convey Notice of Dispute to the CRC That Provided the Reseller With the Information That Is Subject of the Dispute

The FCRA dispute provisions provide direction to resellers upon receipt of a dispute from a consumer. These requirements include, where applicable, providing notice of the dispute to the CRC that provided the reseller with the disputed information. ''If a reseller receives a notice from a consumer of a dispute concerning the completeness or accuracy of any item of information contained in a consumer report on such consumer produced by the reseller, the reseller shall'' determine whether the item of information is incomplete or inaccurate as a result of an act or omission of the reseller within five business days.[49] If the reseller determines that the disputed information is not incomplete or inaccurate as a result of an act or omission of the reseller, the reseller must convey the notice of the dispute, together with all relevant information provided by the consumer, to each CRC that provided the reseller with the information that is the subject of the dispute.[50]

Examiners found that one or more resellers, after determining that disputed information was not incomplete or inaccurate as a result of an act or omission of the resellers, failed to convey to the CRCs that provided the information the notice of the dispute together with all relevant information provided by the consumer. In response to these findings, one or more resellers developed and implemented dispute investigation procedures designed to ensure agents provide required notice of disputes to CRCs that provided the information to the reseller.

In follow-up reviews, examiners found that one or more resellers developed and implemented enhanced procedures designed to ensure that the reseller(s) promptly conveyed notice of

[44] 15 U.S.C. 1681i(a)(1)(A). Note that the 30-day period may be extended for an additional 15 days if the CRC receives information from the consumer during the 30-day period that is relevant to the reinvestigation. 15 U.S.C. 1681i(a)(1)(B).

[45] 15 U.S.C. 1681i(a)(2)(A).

[46] *Id.*

[47] 15 U.S.C. 1681i(a)(5)(A)(ii).

[48] 15 U.S.C. 1681i(a)(6)(A).

[49] 15 U.S.C. 1681i(f)(2)(A).

[50] 15 U.S.C. 1681i(f)(2)(B)(ii).

disputes the reseller received to the CRC that provided the reseller with the disputed information.

4. Conclusion

The Bureau will continue to publish Supervisory Highlights to aid Bureau-supervised entities in their efforts to comply with Federal consumer financial law. The report shares information regarding general supervisory and examination findings regarding the FCRA and Regulation V (without identifying specific institutions). This information is shared, in part, to communicate the Bureau's supervisory expectations to CRCs and furnishers that those institutions comply with the applicable provisions of the FCRA and Regulation V.

Supervision's work in the consumer reporting market is ongoing and remains a high priority. As detailed in this report, CFPB examiners have continued to identify violations and CMS weaknesses regarding critical FCRA and Regulation V protections. However, examiners have also observed significant improvements in these areas, including continued investment in FCRA-related CMS. Supervision will continue to conduct reviews at CRCs, including resellers, as well as at furnishers and users of consumer reports within our supervisory jurisdiction.

Dated: November 30, 2019.

Kathleen L. Kraninger,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2019–26669 Filed 12–10–19; 8:45 am]

BILLING CODE 4810–AM–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by January 10, 2020.

ADDRESSES: Direct written comments and/or suggestions regarding the items contained in this Notice to the Attention: CNCS Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of Notice publication.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Amy Borgstrom by email to *aborgstrom@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on Monday, September 30 at Vol. 84, Page Number 51524. This comment period ended November 29, 2019. No public comments were received from this Notice.

Title of Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 3045–0137.

Type of Review: Renewal.

Respondents/Affected Public: Individuals, Households and Organizations.

Total Estimated Number of Annual Responses: 15,000.

Total Estimated Number of Annual Burden Hours: 2,500.

Abstract: The proposed information collection activity provides a means to elicit qualitative customer and stakeholder feedback in an efficient, timely manner. By qualitative feedback we mean information that provides useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the agency's services will be unavailable.

CNCS seeks to renew the current information collection. The information collection will be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on November 30, 2020.

Dated: December 5, 2019.

Amy Borgstrom,

Associate Director of Policy.

[FR Doc. 2019–26632 Filed 12–10–19; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0133]

Proposed Collection; Comment Request

AGENCY: Office of the Undersecretary of Defense for Personnel & Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Undersecretary of Defense for Personnel & Readiness, DoD announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by February 10, 2020.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Undersecretary of Defense (Personnel and Readiness), 1500 Defense Pentagon, Washington, DC 20350, Andrew Corso, 703–693–1050.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel to Include Eligible Family Members; DD Form 2656, DD Form 2656–1, DD Form 2656–2, DD Form 2656–5, DD Form 2656–6, DD Form 2656–7, DD Form 2656–8, DD Form 2656–10; OMB Control Number 0704–0569.

Needs and Uses: DD Forms 2656 ''Data for Payment of Retired Pay,'' 2656–1 ''Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage,'' 2656–2 ''Survivor Benefit Plan (SBP) Termination Request,'' 2656–5 ''Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate,'' 2656–6 ''Survivor Benefit Plan Election Change Certificate,'' 2656–7 ''Verification for Survivor Annuity,'' 2656–8 ''Survivor Benefit Plan (SBP) Automatic Coverage Fact Sheet,'' 2656–10 ''Survivor Benefit Plan (SBP) Former Spouse Request for Deemed Election,'' are used by the Department of Defense to collect information regarding a uniformed service member's military retired pay and his or her election to participate in and designate beneficiaries under the Survivor Benefit Plan (SBP or RCSBP), as well as elections of the eligible family member(s) or Insurable Interest Beneficiary to receive coverage under Survivor Benefit Plan (SBP or RCSBP).

Affected Public: Individuals or Households.

DD Form 2656 ''Data for Payment of Retired Personnel''

Annual Burden Hours: 16,700.
Number of Respondents: 66,800.
Responses per Respondent: 1.
Annual Responses: 66,800.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–1 ''Survivor Benefit Plan Election Statement for Former Spouse Coverage''

Annual Burden Hours: 2,375.
Number of Respondents: 9,500.
Responses per Respondent: 1.
Annual Responses: 9,500.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–2 ''Survivor Benefit Plan Termination Request''

Annual Burden Hours: 1,875.
Number of Respondents: 7,500.
Responses per Respondent: 1.
Annual Responses: 7,500.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–5 ''Reserve Component Survivor Benefit Plan Election Certificate''

Annual Burden Hours: 1,475.
Number of Respondents: 5,900.
Responses per Respondent: 1.
Annual Responses: 5,900.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–6 ''Survivor Benefit Plan Election Change Certificate''

Annual Burden Hours: 4,225.
Number of Respondents: 16,900.
Responses per Respondent: 1.
Annual Responses: 16,900.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–7 ''Verification for Survivor Annuity''

Annual Burden Hours: 2,400.
Number of Respondents: 9,600.
Responses per Respondent: 1.
Annual Responses: 9,600.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–8 ''Survivor Benefit Plan—Automatic Coverage Fact Sheet''

Annual Burden Hours: 1,375.
Number of Respondents: 5,500.
Responses per Respondent: 1.
Annual Responses: 5,500.
Average Burden per Response: 15 minutes.
Frequency: As required.

DD Form 2656–10 ''Survivor Benefit Plan/Reserve Component Benefit Plan Request for Deemed Election''

Annual Burden Hours: 1,562.
Number of Respondents: 6,250.
Responses per Respondent: 1.
Annual Responses: 6,250.
Average Burden per Response: 15 minutes.
Frequency: As required.

Every uniformed service member of the Department of Defense and U.S. Coast Guard who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, should voluntarily complete this form to request retired pay, designate and change beneficiaries, and make a SBP election, or decline coverage. Eligible beneficiaries have an ability to voluntarily complete this form to request or waive coverage. The information requested allows the Defense Finance and Accounting Service (DFAS) to establish a retired pay account for that individual as well as eligible covered beneficiaries, provides a record of that retiree's designation of beneficiaries, allows the retiree (if eligible) to make an election of a lump sum of retired pay, and allows the Service member to make an election to participate in the SBP.

Dated: December 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–26688 Filed 12–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

DATES: Open to the public Wednesday, January 8, 2020, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: The address of the open meeting is the Naval Heritage Center Theater, 701 Pennsylvania Avenue NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Colonel Paul J. Hoerner, USAF, 703–681–2890 (Voice), None (Facsimile), *dha.ncr.j-6.mbx.baprequests@mail.mil* (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101. Website: *https://health.mil/bap.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

The Panel will review and comment on recommendations made to the Director of the Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Purpose of the Meeting: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

Agenda

1. Sign-In
2. Welcome and Opening Remarks
3. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item)
   a. Insulin—Rapid-Acting Agents
   b. Phosphodiesterase-5 Inhibitors—Erectile Dysfunction
4. Newly Approved Drugs Review
5. Pertinent Utilization Management Issues
6. Panel Discussions and Vote

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165, and subject to availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

Written Statements: Pursuant to 41 CFR 102–3.140, the public or interested organizations may submit written statements to the membership of the Panel about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO). The DFO's contact information can be obtained in the **FOR FURTHER INFORMATION CONTACT** section in this notice. Written comments or statements must be received by the Panel DFO at least five (5) business days prior to the meeting so that they may be made available to the Panel for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to all the committee members.

Dated: December 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–26667 Filed 12–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the National Security Education Board will take place.

DATES: Open to the public Thursday, January 16, 2020 from 9:30 a.m. to 3:00 p.m.

ADDRESSES: The address of the meeting is the Institute of International Education, 1400 K Street NW, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Michael Nugent, (571) 256–0702 (Voice), (703) 692–2615 (Facsimile), *michael.a.nugent22.civ@mail.mil* (Email). Mailing address is National Security Education Program, 4800 Mark Center Drive, Suite 08F09–02, Alexandria, VA 22350–7000. Website: *https://www.nsep.gov/content/national-security-education-board.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to review and make recommendations to the Secretary of Defense concerning requirements established by the David L. Boren National Security Education Act, Title VII of Public Law 102–183, as amended.

Agenda: 9:30 a.m.—National Security Education Board (NSEB) Full Meeting Begins. 9:45 a.m.—National Security Education Program (NSEP) Discussion with the Board. 10:15 a.m.—Board Discussion: Boren Scholarships and Fellowships. 11:00 a.m.—Board Discussion: National Language Service Corps (NLSC). 12:00 p.m.—Working Lunch. 12:45 p.m.—Engaging Reserve Officer Training Corps Members. 2:00 p.m.—Closing Board Discussion. 3:00 p.m.—Adjourn.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Written Statements: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150. Pursuant to 102–3.140 and sections 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense National Security Education Board about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of the planned meeting. All written statements shall be submitted to the Designated Federal Official for the

National Security Education Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Official can be obtained from the GSA's FACA Database—*http://facadatabase.gov/.* Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Official at the addressed listed in the **FOR FURTHER INFORMATION CONTACT** section at least five calendar days prior to the meeting that is the subject of this notice. Written statements received after this date may not be provided to or considered by the National Security Education Board until its next meeting.

Dated: December 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–26675 Filed 12–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2019–HQ–0020]

Submission for OMB Review; Comment Request

AGENCY: The Office of the Under Secretary of the Navy, DoD.

ACTION: 30-day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by January 10, 2020.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: NAF Retail Point of Sale System (RPOS), OMB Control Number 0703–XXXX.

Type of Request: New.

Number of Respondents: 294,953.

Responses per Respondent: 1 to 2 (depending on transaction type).

Annual Responses: 366,365.

Average Burden per Response: 1 to 10 minutes (depending on transaction type).

Annual Burden Hours: 12,109.

Needs and Uses: This information system will provide a means to manage and administer a robust Marine Corps Community Services (MCCS) retail point of sales system to control sales and capture and process customer orders and transactions for the Marine Corps Exchanges, package stores, Marine Marts, and Uniform Shops. The information collection requirement is necessary to manage and administer special orders, rain checks, send sales, returns and exchanges, check cashing, tender by check, and recruit tenders. All information is collected verbally at the point-of-sale terminal and entered into the NAF RPOS by an MCCS employee.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: December 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–26684 Filed 12–10–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project

AGENCY: Department of Energy, Office of Environmental Management.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho Cleanup Project. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Thursday, February 27, 2020; 3:00 p.m.–8:00 p.m.

Please note the EM SSAB, Idaho Cleanup Project, is starting in the afternoon instead in the morning like previous meetings.

The opportunities for public comment are at 5:15 p.m. and 7:15 p.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

ADDRESSES: Residence Inn Idaho Falls, 635 West Broadway, Idaho Falls, ID 83402.

FOR FURTHER INFORMATION CONTACT: Brad Bugger, Federal Coordinator, U.S. Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, Idaho 83415. Phone (208) 526–0833; or email: *buggerbp@id.doe.gov* or visit the Board's internet home page at: *https://www.energy.gov/em/icpcab/idaho-cleanup-project-citizens-advisory-board-icp-cab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Brad Bugger for the most current agenda):

- Recent Public Outreach
- Idaho Cleanup Project (ICP) Overview
- Fiscal Year 2021 Budget Priorities
- Discussion of Agreement with the State of Idaho
- Update on Integrated Waste Treatment Unit (IWTU)
- Wildfire Preparations and Post-fire Restoration
- Consideration of EM SSAB Chairs' Recommendations
- Board Discussion and Subcommittee Follow-up

Public Participation: The meeting is open to the public. The EM SSAB, Idaho Cleanup Project, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Brad Bugger at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Brad Bugger at the address or telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Brad Bugger, Federal Coordinator, at the address and telephone number listed above. Minutes will also be available at the following website: *https://www.energy.gov/em/icpcab/listings/cab-meetings.*

Signed in Washington, DC, on December 5, 2019.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2019–26621 Filed 12–10–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, February 5, 2020; 8:30 a.m.–4:30 p.m. Thursday, February 6, 2020; 8:30 a.m.–4:30 p.m.

ADDRESSES: Best Western Plus, 1515 George Washington Way, Richland, WA 99354.

FOR FURTHER INFORMATION CONTACT: JoLynn Garcia, Federal Coordinator, U.S. Department of Energy, Office of River Protection, P.O. Box 450, H6–60, Richland, WA 99354; Phone: (509) 376–6244; or Email: *jolynn_m_garcia@orp.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Potential Draft Hanford Advisory Board Advice
  - Consider Draft Advice on Fiscal Year 2022 Budget Priorities
- Discussion Topics
  - Tri-Party Agreement Agencies' Updates
  - Hanford Advisory Board Committee Reports
  - Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact JoLynn Garcia at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact JoLynn Garcia at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling JoLynn Garcia's office at the address or telephone number listed above. Minutes will also be available at the following website: *http://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signed in Washington, DC, on December 5, 2019.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2019–26620 Filed 12–10–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Programs for Improving Energy Efficiency in Buildings, OMB Control Number 1910–5184. The proposed collection will enable DOE to better understand and improve building energy load management programs including the following four voluntary programs aimed at reducing energy costs and improving occupant comfort in buildings: The Home Performance with ENERGY STAR Program, the Home Energy Score Program, the Better Buildings Residential Network, and the Zero Energy Ready Home Program. The information gathered by DOE in these four programs is necessary for DOE to run the programs effectively.

DATES: Comments regarding this collection must be received on or before January 10, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503, and to Mr. Chris Early, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0121 or by fax at 202–586–4617 or by email to *Chris.Early@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mr. Chris Early, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW, Washington,

DC 20585–0121 or by email to *Chris.Early@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.* 1910–5184; (2) *Information Collection Request Title:* Programs for Improving Energy Efficiency in Buildings; (3) *Type of Request:* {Renewal} (4) *Purpose:* The proposed collection will enable DOE to better understand and improve building energy load management programs including the following four voluntary programs aimed at reducing energy costs and improving occupant comfort in buildings: The Home Performance with ENERGY STAR Program, the Home Energy Score Program, the Better Buildings Residential Network, and the Zero Energy Ready Home Program. DOE encourages and assists the people and organizations that voluntarily participate in these energy efficiency programs to build or renovate buildings for the purposes of improved efficiency, reliability, and affordability. The partners who voluntarily participate in the programs include: Home builders, building trades and building-related associations, home design professionals, home energy raters and auditors, home inspectors, building consultants, manufacturers of building products, retailers, utility companies, financial institutions, non-profit organizations, educational institutions, energy program administrators and implementers, Home Performance with ENERGY STAR sponsors, state or local government energy offices or agencies, and other organizations that believe peer sharing will help them improve their effectiveness in encouraging effective energy upgrades. DOE proposes to continue to collect information such as names and addresses of voluntary program participants and organizations; estimates of how many homes these program implementers can get to participate in the programs, and information about building stock (no building owner or occupant information is collected) and load management strategies. The collected information helps DOE understand the participating partners' activities and their progress toward achieving scheduled milestones. This, in turn, enables DOE to respond to partners' needs and assist them in improving their operations to lower energy consumption and improve affordability. DOE published a notice and request for comments related to this current request for OMB clearance to collect information on August 16, 2019 (84 FR 41987) and received no comments; (5) *Annual Estimated Number of Respondents:* 962; (6) *Annual Estimated Number of Total Responses:* 92,584; (7) *Annual Estimated Number of Burden Hours:* 14,383; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* zero dollars.

Statutory Authority: 42 U.S.C. 16191.

Signed in Washington, DC on December 4, 2019.

Alexander N. Fitzsimmons,

Deputy Assistant Secretary For Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2019–26680 Filed 12–10–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–517–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Crooked Run Solar, LLC

This is a supplemental notice in the above-referenced proceeding of Crooked Run Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 26, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 5, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26659 Filed 12–10–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR20–14–000.

Applicants: Louisville Gas and Electric Company.

Description: Tariff filing per 284.123(b),(e)/: Revised SOC DDC and LAUFG to be effective 11/1/2019.

Filed Date: 12/2/19.

Accession Number: 201912025007.

Comments/Protests Due: 5 p.m. ET 12/23/19.

Docket Numbers: RP20–314–000.

Applicants: Young Gas Storage Company, Ltd.

Description: § 4(d) Rate Filing: ATC Rate Adjustment (2019–2020) to be effective 12/1/2019.

Filed Date: 12/4/19.

Accession Number: 20191204–5149.

Comments Due: 5 p.m. ET 12/16/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is

necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 5, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26660 Filed 12–10–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–8–000]

Notice of Intent To Prepare an Environmental Assessment for the Proposed ANR Pipeline Company Grand Chenier Xpress Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Grand Chenier XPress Project involving construction and operation of facilities by ANR Pipeline Company (ANR) in Acadia, Jefferson Davies, and Cameron Parishes, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC, on or before 5:00 p.m. Eastern Time on January 6, 2020.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on October 28, 2019, you will need to file those comments in Docket No. CP20–8–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

ANR provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.*

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is also on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP20–8–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

ANR's project consist of: (i) Modifications to its existing Eunice and Grand Chenier Compressor Stations, (ii) construction and operation of a new greenfield compressor station (Mermentau Compressor Station), (iii) modifications to ANR's Mermentau River GCX Meter Station,[1] and (iv) installation of various appurtenant and auxiliary facilities. The project would provide an additional 400 million cubic feet per day of incremental natural gas capacity from ANR's Southeast Head Station [2] to the Mermentau River GCX Meter Station.

The Grand Chenier XPress Project would consist of the following facilities:

[1] ANR states that the Mermentau River GCX Meter Station will be installed pursuant to the automatic provisions of its blanket certificate.

[2] ANR's Head Station is a pooling point where natural gas is aggregated from many receipt points.

- Modifications of ANR's existing Eunice Compressor Station in Acadia Parish, Louisiana, to increase the total certificated horsepower (hp) from 24,000 hp to 39,370 hp. The modifications would include:
  - Installing a 23,470 hp Solar Turbine Titan 130 natural gas-fired compressor;
  - installing 810 feet of new piping (440 feet of aboveground, and 370 feet of below ground);
  - uprating a Mars 100 natural gas-fired turbine compressor unit from 12,000 hp to 15,900 hp;
  - placing an existing 12,000 hp reciprocating compressor on standby; and
  - abandoning in place an existing reciprocating compressor.
- Construction of a new 23,470 hp greenfield compressor station (Mermentau Compressor Station) in Jefferson Davis Parish, Louisiana. The compressor station would include:
  - One 23,470 hp Solar Turbine Titan 130 natural gas-fired turbine compressor, filter separators, fuel gas heater, gas cooling bays, 3,506 feet of associated piping (1,406 feet of aboveground piping, and 2,100 feet of below ground piping) and related appurtenant facilities.
- Restaging the existing Dresser-Rand compressor unit, and installing 42 feet of aboveground piping at the Grand Chenier Compressor Station in Cameron Parish, Louisiana; and
- Modifications of the Mermentau River GCX Meter Station under ANR's blanket certificate (CP82–480–000), including the installation of an additional meter run and related appurtenant facilities in order to increase the delivery capability from 700million cubic feet per day to 1.1 billion cubic feet per day.

The general location of the project facilities is shown in appendix 1.[3]

Land Requirements for Construction

Construction of the project would require about 70.7 acres of land during construction. Permanent (operational) impacts associated with the installation of proposed aboveground facilities would total about 16.5 acres associated with foundations or impervious surfaces within the footprint of the planned Mermentau Compressor Station. Following construction all areas temporarily disturbed by construction would be graded, restored to pre-construction contours, and revegetated.

The EA Process

The EA will discuss impacts that could occur as a result of construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary[4] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page [2].

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[5] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian Tribes, and the public on the project's potential effects on historic properties.[6] The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,*

[3] The appendices referenced in this notice will not appear in the **Federal Register.** Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] For instructions on connecting to eLibrary, refer to the last page of this notice.

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[6] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

CP20–8). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: December 5, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26661 Filed 12–10–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2607–006; ER10–2626–005.

Applicants: Old Dominion Electric Cooperative, TEC Trading, Inc.

Description: Triennial Market Power Update of the ODEC Entities.

Filed Date: 12/4/19.

Accession Number: 20191204–5173.

Comments Due: 5 p.m. ET 2/3/20.

Docket Numbers: ER20–517–000.

Applicants: Crooked Run Solar, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority and Request for Waivers, et al. to be effective 12/5/2019.

Filed Date: 12/4/19.

Accession Number: 20191204–5170.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–518–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–12–05_SA 3269 OTP–Tatanka Ridge Wind 1st Rev GIA (J493) to be effective 11/20/2019.

Filed Date: 12/5/19.

Accession Number: 20191205–5000.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–519–000; TS20–2–000.

Applicants: Wilderness Line Holdings, LLC.

Description: Request for Waivers of the Standards of Conduct and Order Nos. 889 and 1000 Requirements of Wilderness Line Holdings, LLC.

Filed Date: 12/4/19.

Accession Number: 20191204–5182.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–520–000.

Applicants: Midcontinent Independent System Operator, Inc., GridLiance Heartland LLC.

Description: § 205(d) Rate Filing: 2019–12–05_GridLiance Heartland Rate Mitigation Credits filing to be effective 12/31/9998.

Filed Date: 12/5/19.

Accession Number: 20191205–5002.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–521–000.

Applicants: The Connecticut Light and Power Company.

Description: § 205(d) Rate Filing: CPV Towantic Preliminary Engineering and Design Agreement to be effective 12/5/2019.

Filed Date: 12/5/19.

Accession Number: 20191205–5012.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–522–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX–LCRA TSC Bakersfield-Solstice FDA to be effective 11/17/2019.

Filed Date: 12/5/19.

Accession Number: 20191205–5016.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–523–000.

Applicants: Portland General Electric Company.

Description: Compliance filing: Show Cause Compliance Filing to be effective 3/21/2018.

Filed Date: 12/5/19.

Accession Number: 20191205–5017.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–524–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) Rate Filing: 2020 SDGE TACBAA Update to Transmission Owner Tariff Filing to be effective 1/1/2020.

Filed Date: 12/5/19.

Accession Number: 20191205–5020.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–525–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Avista Construction Agmt—Saddle Mtn to be effective 12/6/2019.

Filed Date: 12/5/19.

Accession Number: 20191205–5027.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–526–000.

Applicants: California Independent System Operator Corporation.

Description: Tariff Cancellation: 2019–12–05 Notice of Cancellation EIM Implementation Agreement—Idaho Power Co. to be effective 2/4/2020.

Filed Date: 12/5/19.

Accession Number: 20191205–5109.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–527–000.

Applicants: California Independent System Operator Corporation.

Description: Tariff Cancellation: 2019–12–05 Notice of Cancellation EIM Implement. Agmt—Portland Gen. Electric to be effective 2/4/2020.

Filed Date: 12/5/19.

Accession Number: 20191205–5114.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–528–000.

Applicants: Lincoln Power, L.L.C.

Description: Baseline eTariff Filing: MBR Application to be effective 2/4/2020.

Filed Date: 12/5/19.

Accession Number: 20191205–5119.

Comments Due: 5 p.m. ET 12/26/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 5, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26664 Filed 12–10–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0045; FRL–10002–31]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and

opportunity to comment on these applications.

DATES: Comments must be received on or before January 10, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration number of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/about-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

A. New Uses

1. *EPA Registration Numbers:* 241–366 and 241–374. *Docket ID number:* EPA–HQ–OPP–2018–0783. *Applicant:* Interregional Research Project #4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active Ingredient:* Chlorfenapyr. *Product Type:* Insecticide. *Proposed Uses:* Basil, fresh leaves; chive, fresh leaves; and vegetable, fruiting, group 8–10. *Contact:* RD.

2. *EPA Registration Numbers:* 279–3055, 279–3302, 279–3467, 279–3473, 279–3632. *Docket ID number:* EPA–HQ–OPP–2019–0560. *Applicant:* FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104. *Active Ingredient:* Bifenthrin. *Product Type:* Insecticide. *Proposed Use:* Sunflower (crop subgroup 20B). *Contact:* RD.

3. *EPA Registration Numbers:* 279–9597 and 279–9629. *Docket ID number:* EPA–HQ–OPP–2019–0384. *Applicant:* FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104. *Active Ingredient:* Indoxacarb. *Product Type:* Insecticide. *Proposed Uses:* Nut, tree, group 14–12 and nut, almond, hulls. *Contact:* RD.

4. *EPA Registration Number or File Symbol:* 352–841. *Docket ID number:* EPA–HQ–OPP–2019–0585. *Applicant:* E.I. DuPont de Nemours & Company, Chestnut Run Plaza, 974 Centre Road, Wilmington, DE 19805. *Active Ingredient:* Chlorantraniprole. *Product Type:* Insecticide. *Proposed Use:* Seed treatment on wheat and triticale. *Contact:* RD.

5. *EPA File Symbol:* 432–1545. *Docket ID number:* EPA–HQ–OPP–2019–0517. *Applicant:* Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Product Name:* Aminocyclopyrachlor Technical. *Active Ingredient:* Aminocyclopyrachlor 91.2%. *Product Type:* Herbicide. *Proposed Use:* Rangeland. *Contact:* RD.

6. *EPA File Symbol:* 432–1582. *Docket ID number:* EPA–HQ–OPP–2019–0517. *Applicant:* Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Product Name:* Invora VM Herbicide. *Active Ingredients:* Aminocyclopyrachlor 10.8% and Triclopyr 20.4%. *Product Type:* Herbicide. *Proposed Use:* Rangeland. *Contact:* RD.

7. *EPA Registration Numbers:* 71512–7, 71512–9, 71512–10 and 71512–14. *Docket ID number:* EPA–HQ–OPP–2019–0250. *Applicant:* IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active Ingredient:* Flonicamid. *Product Type:* Insecticide. *Proposed Use:* Leafy greens subgroup 4–16A, except spinach. *Contact:* RD.

8. *EPA Registration Numbers:* 7969–335, 7969–336 and 7969–337. *Docket ID number:* EPA–HQ–OPP–2019–0046. *Applicant:* IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active Ingredient:* Cyflumetofen. *Product Type:* Insecticide. *Proposed Uses:* Cucumber; fruit, stone, group 12–12; plum, prune, dried; vegetable, fruiting, group 8–10; and strawberry. *Contact:* RD.

9. *EPA Registration Numbers:* 7969–390 and 7969–391. *Docket ID number:* EPA–HQ–OPP–2016–0416. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, North Carolina 27709–3528. *Active Ingredient:* Afidopyropen. *Product Type:* Insecticide. *Proposed Uses:* Alfalfa seed; animal feed, non-grass, group 18, forage; animal feed, non-grass, group 18, hay; animal feed, non-grass, group 18, straw; egg; grain, aspirated fractions; grass, forage, fodder and hay, group 17; poultry, meat byproducts;

sorghum, grain, grain; sorghum, grain, forage; sorghum, grain, stover; sorghum, sweet, grain; sorghum, sweet, forage; sorghum, sweet, stalk; sorghum, sweet, stover; soybean, forage; soybean, hay; cattle, meat; cattle, meat byproducts; goat, meat; goat, meat byproducts; hog, meat; hog, meat byproducts; horse, meat; horse, meat byproducts; milk; sheep, meat; and sheep, meat byproducts. *Contact:* RD.

10. *EPA Registration Numbers:* 7969–390 and 7969–393. *Docket ID number:* EPA–HQ–OPP–2019–0101. *Applicant:* IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active Ingredient:* Afidopyropen. *Product Type:* Insecticide. *Proposed Uses:* Strawberry and Vegetable, fruiting, group 8–10. *Contact:* RD.

11. *EPA Registration Number:* 10163–337. *Docket ID number:* EPA–HQ–OPP–2017–0155. *Applicant:* Gowan Company, LLC, P.O. Box 556, Yuma, AZ 85366. *Active Ingredient:* Hexythiazox. *Product Type:* Insecticide. *Proposed Uses:* Date, dried fruit and caneberry crop subgroup 13–07A. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 18, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–26670 Filed 12–10–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Agency Information Collection Activites; Information Collection Request

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: The Federal Maritime Commission (Commission) is giving public notice that the agency has submitted a revision to the information collection described in this notice, to the Office of Management and Budget (OMB) for approval. The public is invited to comment on the revised information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted at the addresses below on or before January 10, 2020.

ADDRESSES: Comments should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Federal Maritime Commission, 725 17th Street NW, Washington, DC 20503, *OIRA_Submission@OMB.EOP.GOV*, Fax (202) 395–6974, and to: Karen V. Gregory, Managing Director, Office of the Managing Director, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573, Telephone: (202) 523–5800, *omd@fmc.gov*.

FOR FURTHER INFORMATION CONTACT: A copy of the submission may be obtained by contacting Donna Lee on 202–523–5800 or email: *omd@fmc.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Commission invites the general public and other Federal agencies to comment on a proposed information collection. On May 16, 2019, the Commission published a 60-day notice and request for comments in the **Federal Register** (84 FR 22122) on a revision to the information collection for requests for dispute resolution services submitted to its Office of Consumer Affairs and Dispute Resolution Services (CADRS). The Commission received no comments on the request for revision. The Commission specifically solicits information relevant to the following topics: (1) Whether the collection of information described below is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility; (2) whether the estimated burden of the proposed collection of information is accurate; (3) whether the quality, utility, and clarity of the information to be collected could be enhanced; and (4) whether the burden imposed by the collection of information could be minimized by use of automated, electronic, or other forms of information technology.

Information Collection Open for Comment

Title: Request for Dispute Resolution Service.

OMB Control Number: 3072–0072.

Type of Review: Information Collection Revision.

Frequency of Response: On occasion.

Respondents/Affected Public: Companies or individuals seeking ombuds or mediation assistance from the Federal Maritime Commission's Office of Consumer Affairs and Dispute Resolution Services.

Estimated Total Number of Potential Annual Responses: 500.

Estimated Total Number of Responses for each Respondent: 1.

Estimated Total Annual Burden Hours per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 125.

Abstract: This is a revision to the currently-approved FMC Form-32 (Request for Dispute Resolution Service—Cruise). When requested by the public and the regulated industry, the FMC, through CADRS, provides ombuds and mediation services to assist parties in resolving passenger vessel (cruise) disputes without resorting to litigation or administrative adjudication. These functions focus on addressing issues that members of the regulated industry and the public may encounter at any stage of a commercial or customer dispute. In order to provide its ombuds and mediation services, CADRS needs certain identifying information about the involved parties and nature of the dispute. In response to requests for assistance from the public, CADRS requests this information from parties seeking its assistance. The collection and use of this information on a cruise dispute is integral to CADRS staff's ability to efficiently review the matter and provide assistance. Aggregated information may be used for statistical purposes.

The proposed revision to Form FMC–32 would add a request for booking or ticket contract number and would remove a request to indicate whether the cruise ended at a U.S. port.

As required by the Administrative Dispute Resolution Act (ADRA), 5 U.S.C. 571 *et seq.,* the information contained in these forms is treated as confidential and subject to the same confidentiality provisions as administrative dispute resolutions pursuant to 5 U.S.C. 574. Except as specifically set forth in 5 U.S.C. 574, neither CADRS staff nor the parties to a dispute resolution shall disclose any informal dispute resolution communication.

This information collection is subject to the Paperwork Reduction Act (PRA). The FMC may not conduct or sponsor a collection of information, and the public is not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. As required by ADRA, 5 U.S.C. 571–574, the information contained in these forms is treated as confidential and subject to the same confidentiality provisions as administrative dispute resolutions pursuant to 5 U.S.C. 574. Except as specifically set forth in 5 U.S.C. 574, neither CADRS staff nor the parties to a dispute resolution shall disclose any

informal dispute resolution communication.

Authority: 46 U.S.C. 40101 *et seq.*

Rachel Dickon,

Secretary.

[FR Doc. 2019–26678 Filed 12–10–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MARITIME COMMISSION

[Docket No. 19–09]

VerTerra Ltd., Complainant v. D.B. Group America Ltd. and D.B. Group India Ltd., Respondents.; Notice of Filing of Complaint and Assignment

Served: December 4, 2019.

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by VerTerra Ltd., hereinafter ''Complainant'', against D.B. Group America Ltd. and D.B. Group India Ltd., hereinafter ''Respondents''. Complainant states that it ''. . . is in the business of creating and selling environmentally sustainable and disposable dinnerware constructed from fallen palm leaves'' and is principally located in the New York City area. Complainant states that Respondent D.B. Group America Ltd. is a New York limited company and an NVOCC licensed by the Federal Maritime Commission. Complainant states that Respondent D.B. Group India Ltd. is an NVOCC licensed by the Federal Maritime Commission.

Complainant states that Respondent D.B. Group America Ltd. ''. . . handled approximately 293 discreet shipping jobs for [Complainant].'' Complainant alleges that Respondents provided service that was not in accordance with any published tariff or reflected in any NSA or NRA between the parties. Complainant also alleges that D.B. Group America Ltd. ''. . . had been charging substantially more than it had represented would be the cost of these shipments'' in 2018. Complainant alleges that ''. . .bills of lading reflect that [Respondent D.B. Group America Ltd.], through [Respondent D.B. Group India Ltd.], was applying 'surcharges' and General Rate Increases to the fees it was charging [Complainant], when these surcharges were not applicable and not referenced in its tariff.''

Complainant alleges that Respondents violated 46 U.S.C. 41104, 41104(a), 41104(a)(2), 41104(a)(3), 41104(a)(4), 41104(a)(5), 40501 and 40502. Complainant alleges it ''incurred damages in excess of $100,000'' and seeks reparations and other relief.

The full text of the complaint can be found in the Commission's Electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/19-09/*.

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding office in this proceeding shall be issued by December 4, 2020, and the final decision of the Commission shall be issued by May 18, 2021.

Rachel Dickon,

Secretary.

[FR Doc. 2019–26653 Filed 12–10–19; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201326.

Agreement Name: Sallaum Lines/NYK Space Charter Agreement.

Parties: Nippon Yusen Kaisha and Sallaum Lines DMCC.

Filing Party: Kristen Chung; NYK Line (North America) Inc.

Synopsis: This Agreement authorizes the Parties to charter space to/from one another for carriage of vehicles or other Ro/Ro cargo in the trade between the U.S. East and Gulf Coasts and ports in Europe.

Proposed Effective Date: 12/5/2019.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/26450.

Dated: December 6, 2019.

Rachel E. Dickon,

Secretary.

[FR Doc. 2019–26677 Filed 12–10–19; 8:45 am]

BILLING CODE P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Proposed Collection; Comment Request for Modified Qualified Trust Model Certificates and Model Trust Documents

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: The U.S. Office of Government Ethics (OGE) is publishing this second round notice to request comment regarding its intent to submit modified versions of the 12 OGE model certificates and model documents for qualified trusts to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received on or before January 10, 2020.

ADDRESSES: You may submit comments on this notice to the Office of Management and Budget, Attn: Desk Officer for OGE, via fax at 202–395–6974 or email at *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Matis at the U.S. Office of Government Ethics; telephone: 202–482–9216; TTY: 800–877–8339; FAX: 202–482–9237; Email: *jmatis@oge.gov.* Copies of the model documents as currently approved are available on OGE's website, *www.oge.gov.* Electronic copies of these documents may also be obtained, without charge, by contacting Ms. Matis.

SUPPLEMENTARY INFORMATION:

Title: Executive Branch Qualified Trust Documents.

OMB Control Number: 3209–0007.

Type of Information Collection: Revision of a currently approved collection.

Type of Review Request: Regular.

Respondents: Any current or prospective executive branch officials who seek to establish or have established a qualified blind or diversified trust under the Ethics in Government Act of 1978 as a means to avoid conflicts of interest while in office.

Estimated Average Annual Number of Respondents: 2.

Total Estimated Time per Response: 20 minutes to 100 hours (see table below for detailed explanation).

Estimated Average Total Annual Burden: 120 hours.

Abstract: OGE is the supervising ethics office for the executive branch of

the Federal Government under the Ethics in Government Act of 1978 (EIGA). Accordingly, OGE administers the qualified trust program for the executive branch. Presidential nominees to executive branch positions subject to Senate confirmation and any other executive branch officials may seek OGE approval for EIGA-qualified blind or diversified trusts as one means to be used to avoid conflicts of interest. The requirements for EIGA-qualified blind and diversified trusts are set forth in section 102(f) of the Ethics in Government Act, 5 U.S.C. app. § 102(f), and OGE's implementing financial disclosure regulations at subpart D of 5 CFR part 2634.

In order to ensure that all applicable requirements are met, OGE is the sponsoring agency for 12 model certificates and model trust documents for qualified blind and diversified trusts. See 5 CFR 2634.402(e)(3), 2634.402(f)(3), 2634.404(e)–(g), 2634.405(d)(2), 2634.407(a); 2634.408(b)(1)–(3), 2634.408(d)(4), 2634.409, and 2634.414. The various model certificates and model trust documents are utilized by settlors, trustees, and other fiduciaries in establishing and administering these qualified trusts. OGE plans to submit these model certificates and model trust documents (described in detail in the table below) to OMB for renewed approval pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

The 12 model documents, along with their burden estimates, are as follows:

	Estimated burden
Model qualified trust documents	
(A) Blind Trust Communications (Expedited Procedure for Securing Approval of Proposed Communications).	20 minutes per communication.
(B) Model Qualified Blind Trust Provisions	100 hours per model.
(C) Model Qualified Diversified Trust Provisions	100 hours per model.
(D) Model Qualified Diversified Trust Provisions (For Use in the Case of Multiple Fiduciaries)	100 hours per model.
(E) Model Qualified Blind Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust)	100 hours per model.
(F) Hybrid Version of the Model Qualified Diversified Trust Provisions	100 hours per model.
(G) Model Qualified Blind Trust Provisions (For Use in the Case of Multiple Fiduciaries)	100 hours per model.
(H) Model Qualified Diversified Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust).	100 hours per model.
(I) Model Confidentiality Agreement Provisions (For Use in the Case of a Privately Owned Business)	2 hours per agreement.
(J) Model Confidentiality Agreement Provisions (For Use in the Case of Investment Management Activities).	2 hours per agreement.
Model trust certificates	
(K) Certificate of Independence	20 minutes per certificate.
(L) Certificate of Compliance	20 minutes per certificate.

These estimates are based on the amount of time imposed on professional trust administrators or private representatives. OGE notes that only one set of the various model trust provisions (items (B) through (H)) will be prepared for a single qualified trust, and only prior to the establishment of that qualified trust. Likewise, other model documents listed above are used in connection with establishing the qualified trust (items (I), (J), and (K)). The remaining model documents are used after the trust's creation (items (A) and (L)). Accordingly, OGE notes that the majority of the time burden for any given trust is imposed during the creation of the trust.

At the present time, there are no active qualified trusts in the executive branch. However, OGE anticipates possible limited use of these model documents during the forthcoming three-year period. OGE estimates that there may be an average of one individual per year who initiates a qualified trust using these model documents during calendar years 2020 through 2022. OGE has accordingly estimated the average annual number of respondents to be two, which represents one respondent establishing a qualified trust and one respondent maintaining a previously established qualified trust. Based on the above, OGE estimates an average annual time burden during the next three years of 120 hours. Using an estimated rate of $300 per hour for the services of a professional trust administrator or private representative, the estimated annual cost burden is $36,000.

Under OMB's implementing regulations for the Paperwork Reduction Act, any recordkeeping, reporting, or disclosure requirement contained in a rule of general applicability is deemed to involve ten or more persons. See 5 CFR 1320.3(c)(4)(i). Therefore, OGE intends to submit, after this first round notice and comment period, all 12 qualified trust model certificates and model documents described above (all of which are included under OMB paperwork control number 3209–0007) for a three-year extension of approval. At that time, OGE will publish a second notice in the **Federal Register** to inform the public and the agencies.

OGE is committed to making ethics records publicly available to the extent possible. The communications documents and the confidentiality agreements (items (A), (I) and (J) on the table above), once completed, will not be available to the public because they contain sensitive, confidential information. The other completed certificates and documents (except for any trust provisions that relate to the testamentary disposition of trust assets) are retained and made publicly available based upon a proper request under section 105 of the EIGA until the periods for retention of all other reports (usually the OGE Form 278 Public Financial Disclosure Reports) of the individual establishing the trust have lapsed (generally six years after the filing of the last report). See 5 U.S.C. app. 105; 5 CFR 2634.603(g)(2). The information collected with these model trust certificates and model trust documents is part of the OGE/GOVT–1 Governmentwide Privacy Act system of records.

In seeking an extension of approval, OGE is proposing several nonsubstantive changes to the 12 qualified trust certificates and model documents.

First, OGE proposes removing all references to Appendices A and B of 5

CFR part 2634 because these references are no longer applicable. The appendices, which contained the model Certificate of Independence and model Certificate of Compliance (items (K) and (L), respectively, on the table above), were eliminated as part of recent changes made by OGE to the Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture regulation at 5 CFR part 2634. The changes went into effect on January 1, 2019. The information previously found in Appendix B is available on *www.oge.gov.*

Second, OGE proposes removing all references to facsimile as the best means of communication and replacing it with email.

Third, with regard to the model communications (item (A) in the table above), OGE proposes to update the dates in the sample documents to make them more contemporary.

Fourth, OGE proposes to add one sentence to the Privacy Act statements to better notify users of the consequences of not providing the requested information.

Fifth, OGE proposes to make a few minor formatting corrections and to fix a typographical error in the Privacy Act statements.

Sixth, OGE proposes to update the Privacy Act statement in accordance with recent changes made to the OGE/GOVT–1 system of records, covering Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records. The changes were effective on November 8, 2019.

On September 25, 2019, OGE published a first round notice of its intent to request approval for the modified model trust certificates and trust documents under the Paperwork Reduction Act. See 84 FR 50449. OGE received no responses to that notice.

Request for Comments: Agency and public comment is again invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility, and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB approval. The comments will also become a matter of public record.

Approved: December 5, 2019.

Emory Rounds,

Director, Office of Government Ethics.

[FR Doc. 2019–26605 Filed 12–10–19; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–2474]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Reporting Associated With Designated New Animal Drugs for Minor Use and Minor Species

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by January 10, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0605. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Reporting Associated With Designated New Animal Drugs for Minor Use and Minor Species—21 CFR Part 516

OMB Control Number 0910–0605—Extension

The Minor Use and Minor Species (MUMS) Act (Pub. L. 108–282) amended the Federal Food, Drug, and Cosmetic Act to authorize FDA to establish new regulatory procedures intended to make more medications legally available to veterinarians and animal owners for the treatment of minor animal species as well as uncommon diseases in major animal species. This legislation provides incentives designed to help pharmaceutical companies overcome the financial burdens they face in providing limited-demand animal drugs. These incentives are only available to sponsors whose drugs are ''MUMS-designated'' by FDA. Minor use drugs are drugs for use in major species (*e.g.,* cattle, horses, swine, chickens, turkeys, dogs, and cats) that are needed for diseases that occur in only a small number of animals either because they occur infrequently or in limited geographic areas. Minor species are all animals other than the major species (*e.g.,* zoo animals, ornamental fish, parrots, ferrets, and guinea pigs). Some animals of agricultural importance are also minor species. These include animals such as sheep, goats, catfish, and honeybees. Participation in the MUMS program is completely optional for drug sponsors, so the associated reporting only applies to those sponsors who request and are subsequently granted ''MUMS designation.''

Our regulations in 21 CFR part 516 specify the criteria and procedures for requesting MUMS designation as well as the annual reporting requirements for MUMS designees. Section 516.20 provides requirements on the content and format of a request for MUMS-drug designation; § 516.26 provides requirements for amending MUMS-drug designation; § 516.27 provides for change in sponsorship of MUMS-drug designation; § 516.29 provides for termination of MUMS-drug designation; § 516.30 contains the requirements for annual reports from sponsor(s) of MUMS-designated drugs; and § 516.36 sets forth consequences for insufficient quantities of MUMS-designated drugs.

Description of Respondents: The respondents to this information collection are pharmaceutical companies that sponsor new animal drugs.

In the **Federal Register** of June 12, 2019 (84 FR 27333), FDA published a 60-day notice requesting public comment on the proposed collection of

information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
516.20; content and format of MUMS request	15	5	75	16	1,200
516.26; requirements for amending MUMS designation	3	1	3	2	6
516.27; change in sponsorship	1	1	1	1	1
516.29; termination of MUMS designation	2	1	2	1	2
516.30; requirements of annual reports	15	5	75	2	150
516.36; insufficient quantities	1	1	1	3	3
Total					1,362

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate for this reporting requirement was derived in our Office of Minor Use and Minor Species Animal Drug Development by extrapolating the investigational new animal drug/new animal drug application reporting requirements for similar actions by this same segment of the regulated industry and from previous interactions with the minor use/minor species community, and has not changed since the last OMB approval.

Dated: December 2, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–26682 Filed 12–10–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–E–2617]

Determination of Regulatory Review Period for Purposes of Patent Extension; VABOMERE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for VABOMERE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by February 10, 2020. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 8, 2020. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 10, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 10, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–E–2617 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; VABOMERE.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in

its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, VABOMERE (vaborbactam and meropenem) indicated for the treatment of patients 18 years and older with complicated urinary tract infections including pyelonephritis caused by designated susceptible bacteria. Subsequent to this approval, the USPTO received a patent term restoration application for VABOMERE (U.S. Patent No. 8,680,136) from Rempex Pharmaceuticals, Inc. and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated September 18, 2018, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of VABOMERE represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for VABOMERE is 1,316 days. Of this time, 1,072 days occurred during the testing phase of the regulatory review period, while 244 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* January 23, 2014. The applicant claims February 6, 2014, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 23, 2014, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 29, 2016. FDA has verified the applicant's claim that the new drug application (NDA) for VABOMERE (NDA 209776) was initially submitted on December 29, 2016.

3. *The date the application was approved:* August 29, 2017. FDA has verified the applicant's claim that NDA 209776 was approved on August 29, 2017.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 12 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: December 5, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–26655 Filed 12–10–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request Autism Spectrum Disorder (ASD) Research Portfolio Analysis, NIMH; Correction

AGENCY: National Institutes of Health, HHS.

ACTION: Notice; correction.

SUMMARY: The Department of Health and Human Services, National Institutes of Health published a Notice in the **Federal Register** on December 5, 2019. That Notice requires a correction in the Supplemental information section.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: The Office of Autism Research Coordination, NIMH, NIH, Neuroscience Center, 6001 Executive Boulevard, MSC 9663, Room 6184, Bethesda, Maryland 20892 or can email your request, including your address to: *iaccpublicinquiries@mail.nih.gov* or *nimhprapubliccomments@mail.nih.gov* or can call Melba O. Rojas, NIMH, NIH at 301–402–0279. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of December 5, 2019, in FR Doc. 2019–26260, on page 66684, in the Estimated Annualized Burden Hours table; correct the ''Number of projects per respondent total'' column, to read: ''2854''.

Dated: December 5, 2019.

Ekaterini K. Mavrophilipos,

Federal Register Liaison, National Institutes of Health.

[FR Doc. 2019–26631 Filed 12–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel R24/R25 Teleconference Review Committee.

Date: December 12, 2019.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carmen Moten, Ph.D., MPH, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7703 *cmoten@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 4, 2019.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–26638 Filed 12–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; ZAI1–MFH–M–M, January 21–22, 2020; NIAID Clinical Trial Planning Grant (R34); NIAID Clinical Trial Cooperative Agreement (U01); NIAID SBIR Phase II Clinical Trial Implementation Agreement (U44).

Date: January 21–22, 2020.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 5, 2019.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–26639 Filed 12–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: February 6–7, 2020.

Time: February 06, 2020, 1:00 p.m. to 5:00 p.m.

Agenda: Evaluate sleep and circadian research activities; discussion of NIH Sleep Disorders Research Plan Revision.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852.

Telephone Access: 1–650–479–3208, Access Code: 622 128 691.

Virtual Access: WebEx Link.

Event number: 622 128 691.

Event password: sdrab2020.

Time: February 07, 2020, 8:30 a.m. to 3:00 p.m.

Agenda: Coordination of inter-agency sleep research activities; discussion of NIH Sleep Disorders Research Plan Revision.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852.

Telephone Access: 1–650–479–3208, Access Code: 621 876 313.

Virtual Access: WebEx Link.

Event number: 621 876 313.

Event password: sdrab2020.

Contact Person: Michael J Twery, Ph.D., Director, National Center on Sleep Disorders Research, Division of Lung Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 10042, Bethesda, MD 20892–7952, 301–435–0199, *ncsdr@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: December 5, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–26642 Filed 12–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0018]

Agency Information Collection Activities: Ship's Stores Declaration

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than February 10, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0018 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov*.

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Ship's Stores Declaration.

OMB Number: 1651–0018.

Form Number: CBP Form 1303.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours. There is no change to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Ship's Stores Declaration, CBP Form 1303, is used by the carriers to declare articles to be retained on board the vessel, such as sea stores, ship's stores (*e.g.* alcohol and tobacco products), controlled narcotic drugs or bunker fuel in a format that can be readily audited and checked by CBP. This form collects information about the ship, the ports of arrival and departure, and the articles on the ship. CBP Form 1303 is provided for by 19 CFR 4.7, 4.7a, 4.81, 4.85 and 4.87 and is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=1303&=Apply.*

Estimated Number of Respondents: 8,000.

Estimated Number of Responses per Respondent: 13.

Estimated Number of Total Annual Responses: 104,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 26,000.

Dated: December 5, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–26601 Filed 12–10–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0103]

Agency Information Collection Activities: Passenger List/Crew List

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted no later than February 10, 2020 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0103 in the subject line and the agency name.

To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Passenger List/Crew List.

OMB Number: 1651–0103.

Form Number: CBP Form I–418.

Current Actions: CBP proposes to extend the expiration date of this information collection. There is no change to the estimated burden hours or to the information collected.

Type of Review: Extension (without change).

Abstract: CBP Form I–418 is prescribed by CBP, for use by masters, owners, or agents of vessels in complying with Sections 231 and 251 of the Immigration and Nationality Act (INA). This form is filled out upon arrival of any person by commercial vessel at any port within the United States from any place outside the United States. The master or commanding officer of the vessel is responsible for providing CBP officers at the port of arrival with lists or manifests of the persons on board such conveyances. CBP is in the process of amending its regulations to allow for the electronic submission of the data elements required on CBP Form I–418. This form is provided for in 8 CFR 251.1 and 251.3. A copy of CBP Form I–418 can be found at *https://www.cbp.gov/newsroom/publications/forms?title=i-418&=Apply.*

Affected Public: Businesses.

Estimated Number of Respondents: 77,935.

Estimated Number of Responses per Respondent: 1.

Estimated Time per Respondent: 1 hour.

Estimated Number of Total Annual Responses: 77,935.

Estimated Total Annual Hours: 77,935.

Dated: December 5, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–26600 Filed 12–10–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0086]

Agency Information Collection Activities: Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than February 10, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0086 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers.

OMB Number: 1651–0086.

Form Number: CBP Form 7401.

Abstract: This collection of information is used by CBP to make distributions of funds pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA). 19 U.S.C. 1675c (repealed by the Deficit Reduction Act of 2005, Public Law 109–171, 7601 (Feb. 8, 2006)). This Act prescribes the administrative procedures under which antidumping and countervailing duties assessed on imported products are distributed to affected domestic producers that petitioned for or supported the issuance of the order under which the duties were assessed. The amount of any distribution afforded to these domestic producers is based on certain qualifying expenditures that they incur after the issuance of the order or finding up to the effective date of the CDSOA's repeal, October 1, 2007. This distribution is known as the continued dumping and subsidy offset. The claims process for the CDSOA program is provided for in 19 CFR 159.61 and 159.63.

A notice is published in the **Federal Register** in June of each year in order to inform claimants that they can make claims under the CDSOA. In order to make a claim under the CDSOA, CBP Form 7401 may be used. This form is accessible at and can be submitted electronically through *https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=8776895.*

Current Actions: This submission is being made to extend the expiration date and to revise the burden hours as a result of updated estimates of the number of CDSOA claims prepared on an annual basis. There are no changes to the information collected.

Type of Review: Extension (with a change to the burden hours).

Affected Public: Businesses.

Estimated Number of Respondents: 1,200.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Responses: 1,400.

Estimated Time per Response: 60 minutes.

Estimated Total Annual Burden Hours: 1,400.

Dated: December 5, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–26599 Filed 12–10–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0031]

Agency Information Collection Activities: Foreign Assembler's Declaration

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than February 10, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0031 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Foreign Assembler's Declaration (with Endorsement by Importer).

OMB Number: 1651–0031.

Abstract: In accordance with 19 CFR 10.24, a Foreign Assembler's

Declaration must be made in connection with the entry of assembled articles under subheading 9802.00.80, Harmonized Tariff Schedule of the United States (HTSUS). This declaration includes information such as the quantity, value and description of the imported merchandise. The declaration is made by the person who performed the assembly operations abroad and it includes an endorsement by the importer. The Foreign Assembler's Declaration is used by CBP to determine whether the operations performed are within the purview of subheading 9802.00.80, HTSUS and therefore eligible for preferential tariff treatment.

19 CFR 10.24(d) require that the importer/assembler maintain records for 5 years from the date of the related entry and that they make these records readily available to CBP for audit, inspection, copying, and reproduction. Instructions for complying with this regulation are posted on the CBP.gov website at: *http://www.cbp.gov/trade/trade-community/outreach-programs/trade-agreements/nafta/repairs-alterations/subchpt-9802*.

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Foreign Assemblers Declaration (Reporting)

Estimated Number of Respondents: 2,730.

Estimated Number of Responses/Recordkeeping per Respondent: 128.

Estimated Total Number of Responses: 349,440.

Estimated Time per Response/Recordkeeping: 50 minutes.

Estimated Total Annual Burden Hours: 291,083.

Foreign Assemblers Declaration (Record Keeping)

Estimated Number of Respondents: 2,730.

Estimated Number of Responses/Recordkeeping per Respondent: 128.

Estimated Total Number of Responses: 349,440.

Estimated Time per Response/Recordkeeping: 5 minutes.

Estimated Total Annual Burden Hours: 29,004.

Dated: December 5, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–26598 Filed 12–10–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent to Request Extension From OMB of One Current Public Collection of Information: TSA Canine Training Center Adoption Application

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0067, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves gathering information from individuals who wish to adopt a TSA canine through the TSA Canine Training Center (CTC) Adoption Program.

DATES: Send your comments by February 10, 2020.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

OMB Control Number 1652–0067; TSA Canine Training Center Adoption Application. The TSA Canine Program is a Congressionally-mandated program that operates as a partnership among TSA; aviation, mass transit, and maritime sectors; and State and local law enforcement. TSA operates the CTC Adoption Program in accordance with 41 CFR 102–36.35(d) (donation of surplus property) and 102–36.365 (donation of canines used for performance of law enforcement duties).[1]

TSA developed the CTC to train and deploy explosive detection canine teams for TSA and for local, State, and Federal agencies in support of daily activities that protect the transportation domain. Canine teams consist of TSA employees, or local/State law enforcement officers, paired with explosives detection canines. These canine teams are trained on a variety of explosives and screening capabilities based on intelligence data and emerging threats. Canine teams are deployed after successfully undergoing a 10- or 12-week training program and seek certification after additional training within their assigned operational environment.

Of the canines purchased by TSA for purposes of the TSA Canine Program, approximately 83 percent graduate from the training program. These canines are continually assessed to ensure they demonstrate operational proficiency in their environment. The corresponding attrition rate is between 15–18 percent. Attrition arises from canines who do not

[1] *See* 41 CFR 102–36.35(d): ''If a written determination is made that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, you may dispose of the property by abandonment or destruction, or donate it to public bodies.'' *See also* 41 CFR 102–36.365: ''. . . under 40 U.S.C. 555, when the canine is no longer needed for law enforcement duties, you may donate the canine to an individual who has experience handling canines in the performance of those official duties.''

graduate from the training program and those who successfully graduate, but are later assessed as not performing at operational proficiency. CTC typically repurposes 42 percent of the canines eliminated from the program to other Federal, State, and local law enforcement agencies.

Canines that attrite out of the program and not repurposed for other government purposes may be placed for adoption. TSA created the CTC Adoption Program to find suitable individuals or families to adopt the canines and to provide good homes. Individuals seeking to adopt a TSA canine must complete the CTC Adoption Application.

The application is an online application that collects personal information from the public to determine their suitability to adopt a TSA canine. TSA uses the information collected to evaluate the individual seeking to adopt a TSA canine against program guidelines developed by CTC. The collection includes information about the individual's household, personal references, and current pet and veterinarian information. In addition, the individual must agree to transport the canine home from CTC in San Antonio, Texas, and to provide any necessary medical care, including, but not limited to, heartworm and flea preventives, and annual vaccinations, for the duration of the canine's life. TSA also collects an attestation that all information submitted is true.

TSA estimates that annually 300 individuals will complete the adoption application and that it will take approximately 10 minutes or 0.1666 hours. This will give an estimated annual time burden to the public of 50 hours.

Dated: December 5, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–26634 Filed 12–10–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0187; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Project Planning for the Use of Outer Continental Shelf Sand, Gravel, and Shell Resources in Construction Projects That Qualify for Negotiated Noncompetitive Agreement

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before February 10, 2020.

ADDRESSES: Send your comments on this ICR by mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference OMB Control Number 1010–0187 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Anna Atkinson by email, or by telephone at 703–787–1025.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

BOEM is soliciting comments on the proposed ICR described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure that this information is processed and used in a timely manner; (3) is the burden estimate accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments submitted in response to this notice are a matter of public record. BOEM will include or summarize each comment in our request to the Office of Management and Budget (OMB) for approval of this ICR. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information—may be made publicly available at any time. In order for BOEM to withhold from disclosure your personally identifiable information, you must identify any information contained in the submittal of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

BOEM protects proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 552) and the Department of the Interior's implementing regulations (43 CFR part 2).

Abstract: Under the authority delegated by the Secretary of the Interior, BOEM is authorized, pursuant to section 8(k)(2) of the OCS Lands Act (43 U.S.C. 1337(k)(2), to convey rights to OCS sand, gravel, and shell resources by negotiated noncompetitive agreement (NNA) for use in shore protection and beach and coastal restoration, or for use in construction projects funded in whole or part by, or authorized by, the Federal Government.

Since 2017, 12 projects have been processed. In order for BOEM to continue to meet the needs of local and state governments, information regarding upcoming projects must be acquired to plan for future projects and anticipated workload. Therefore, BOEM will issue calls for information about needed resources and locations from interested parties to develop and maintain a project schedule. It also includes the potential for a call in response to an emergency declaration, such as a hurricane or tropical storm. This ICR has no significant changes from the 2017 OMB approved information collection.

In the event the number of requested projects exceeds the limits of the current BOEM staff and funding resources, BOEM may request the relevant states to prioritize their own projects based on several criteria including likelihood of

project funding and progress of environmental work. BOEM will use the information to determine appropriate future resource allocations, identify potential conflicts of use, develop NNAs, and meet all necessary environmental and legal requirements. BOEM will publish all ongoing projects on the website *https://www.boem.gov/Requests-and-Active-Leases/.*

Title of Collection: Project Planning for the Use of Outer Continental Shelf Sand, Gravel, and Shell Resources in Construction Projects that Qualify for Negotiated Noncompetitive Agreement.

OMB Control Number: 1010–0187.

Form Number: None.

Type of Review: Renewal of a currently approved collection.

Respondents/Affected Public: Potential respondents comprise states, counties, localities, and tribes.

Total Estimated Number of Annual Responses: 80 responses.

Total Estimated Number of Annual Burden Hours: 200 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually and on occasion.

Total Estimated Annual Non-hour Burden Cost: We have identified no non-hour paperwork cost burdens for this collection.

Estimated Reporting and Recordkeeping Hour Burden: We estimate that the annual reporting burden for this collection is about 200 hours, assuming an emergency declaration is made each year.

Local Government Compilation: 25 local × 1 hour/entity × 2 responses/year = 50 hours; State Compilation: 15 States × 5 hours/State × 2 responses/year = 150 hours (50 county hours + 150 State hours = 200 total burden hours).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulation, and Analysis.

[FR Doc. 2019–26683 Filed 12–10–19; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–045]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: December 12, 2019 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–612–613 and 731–TA–1429–1430 (Final) (Polyester Textured Yarn from China and India). The Commission is currently scheduled to complete and file its determinations and views of the Commission by January 2, 2020.
5. Outstanding action jackets: None.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: December 6, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–26742 Filed 12–9–19; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993–National Armaments Consortium

Notice is hereby given that, on November 5, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 50 BMG Supply LLC, Canton, OH; Advanced Technology Systems Company, Inc. (ATSC), McLean, VA; Amron—A Division of AMTEC Corporation, Antigo, WI; Anthem Engineering, Elkridge, MD; ARTEMIS, Inc., Hauppauge, NY; Atlas Business Consulting, Inc., Irvine, CA; Avionic Instruments, LLC, Avenel, NJ; Beatty and Company Computing, Inc., Southlake, TX; B-Skies, Inc., Ellicott City, MD; Calumet Electronics Corporation, Calumet, MI; Canvas, Inc., Huntsville, AL; Chenega Defense & Aerospace Solutions, LLC, Huntsville, AL; Cova Strategies, LLC, Albuquerque, NM; Daylight Defense, LLC, San Diego, CA; DC Photonics LLC, Lucas, TX; DCS Corporation, Alexandria, VA; Dynamic Research Technologies, LLC, Albany, MO; Edaptive Computing, Inc., Dayton, OH; Fibertek, Inc., Herndon, VA; Frequency Electronics, Inc., Uniondale, NY; G&W Products, LLC, Fairfield, OH; GE Energy Power Conversion, Naval Systems Inc., Cranberry Township, PA; Geissele Automatics LLC, North Wales, PA; Global Tungsten and Powders Corporation, Towanda, PA; Goleta Star, LLC, Santa Barbara, CA; Hamilton Sundstrand Corporation, Rockford, IL; IAI North America, Inc., Arlington, VA; IMT Defense Corporation, Westerville, OH; Interlog Corporation, Anaheim, CA; Intevac Photonics, Inc., Santa Clara, CA; Iquro Development Group, LLC, Sheridan, WY; Jasper Solutions Inc., Huntington Station, NY; JET Systems, LLC, Lexington Park, MD; JetCo Solutions, Grand Rapids, MI; Lacamas Laboratories, Inc., Portland, OR; Mass XV Limited Liability Company, Yorktown, VA; Mid-Continent Instrument Co., Inc., Wichita, KS; Military Battery Systems, Inc., Golden, CO; National Center for Defense Manufacturing and Machining (NCDMM), Blairsville, PA; Navitas Systems, Ann Arbor, MI; NexTech Solutions, Orange Park, FL; Neya Systems, LLC, Wexford, PA; NNData Corporation, Alexandria, VA; Northrop Grumman Systems Corporation, Power/Control Systems, Sykesville, MD; ODAT Machine Inc., Gorham, ME; OFS Laboratories, LLC, Somerset, NJ; Optimax Systems, Inc., Ontario, NY; Per Vivo Labs, Inc., Kingsport, TN; Persistent Systems, LLC, New York, NY; Perspecta Engineering Inc., Chantilly, VA; Phantom Products, Inc., Rockledge, FL; Pictorvision, Inc., Simi Valley, CA; Quadrus Corporation, Huntsville, AL; Radical Firearms, LLC, Stafford, TX; Rolls-Royce North American Technologies, Inc. (LibertyWorks), Indianapolis, IN; Sancorp Consulting, LLC, Arlington, VA; Scientific Systems Company, Inc., Woburn, MA; Shipcom Federal Solutions, LLC, Arlington, VA; Southern Innovative Investments, LLC, Montgomery, AL; Space Information Laboratories, LLC, Santa Maria, CA; Spectral Energies, LLC, Beavercreek, OH; Systems & Technology Research LLC, Woburn, MA; Tangram Flex, Inc., Dayton, OH; Trion Coatings LLC, South

Bend, IN; University of Massachusetts (Center for UMass-Industry Research on Polymers), Amherst, MA; Utah State University Research Foundation dba Space Dynamics Laboratory, North Logan, UT; Uvision-USA Corporation, Purcellville, VA; VES, LLC, Aberdeen Proving Ground, MD; VRC Metal Systems, LLC, Rapid City, SD; W R Systems, Ltd., Fairfax, VA; and Wavefront Vision Inc., Basking Ridge, NJ, have been added as parties to this venture.

Also, Adolf Meller Co dba Meller Optics Inc., Providence, RI; All Points Logistics, LLC, Merritt Island, FL; Arconic Defense Inc., New Kensington, PA; Ascent Vision Technologies, LLC, Belgrade, MT; ATS–MER, LLC, Tucson, AZ; Avineon, Inc., McLean, VA; Calculagraph Co DBA Control Products, Inc., Horsham, PA; Contego Research, LLC, Webb City, MO; DroneShield LLC, Warrenton, VA; Fairwinds Technologies, LLC, Annapolis, MD; JWF Defense Systems, LLC, Johnstown, PA; Molex, LLC, Lisle, IL; nanoMetallix LLC, Saint Louis, MO; NAVSYS Corporation, Colorado Springs, CO; NextGen Federal Systems, LLC, Morgantown, VA; Nufern, East Granby, CT; Orbis Sibro, Inc., Charleston, SC; PPI-Time Zero, Inc., Fairfield, NJ; Riptide Autonomous Solutions, Plymouth, MA; SAZE Technologies, LLC, Silver Spring, MD; SMH International, LLC, Mt. Laurel, NJ; TELEGRID Technologies, Inc., Florham Park, NJ; TORC Robotics, Inc., Blacksburg, VA; Total Reliant Consulting, Boerne, TX; and UTEC Corporation, LLC, Norman, OK, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on July 8, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 4, 2019 (84 FR 46565).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit Antitrust Division.

[FR Doc. 2019–26654 Filed 12–10–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Naval Aviation Systems Consortium

Notice is hereby given that, on October 24, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Naval Aviation Systems Consortium (''NASC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: A. Harold & Associates, LLC, Jacksonville, FL; AAI Corporation d/b/a Textron Systems, Hunt Valley, MD; AAR, Wood Dale, IL; Abaco Systems, Huntsville, AL; ABSI Aerospace and Defense, California, MD; Accenture Federal Services LLC, Arlington, VA; Acuity Systems, LLC, Herndon, VA; Adams Communication and Engineering Technology (ACET), Lexington Park, MD; Addx Corporation, Alexandria, VA; ADS, Inc., Virginia Beach, VA; Advanced Aircraft Company, Hampton, VA; Advanced Ground Information Systems, Inc., Jupiter, FL; Advanced Onion, Inc., Monterey, CA; Aeroflex Wichita, Inc., Wichita, KS; Aeronix, Inc., Melbourne, FL; Agile Defense, Inc., Reston, VA; Agilious, Bethesda, MD; Agyle Networks, LLC, Plano, TX; Airborne Systems North America, Santa Ana, CA; AIRtec Inc., California, MD; AIXI, Raleigh, NC; ALEX-Alternative Experts, LLC, Dumfries, VA; Alfresco Software, Inc., Alexandria, VA; Alion Science and Technology Corporation, Lusby, MD; Almond Consulting Group, Inc., Oviedo, FL; Alta Via Consulting, LLC, Alexandria, VA; AM Pierce & Associates, Inc., California, MD; Amazon Web Services, Inc., Seattle, WA; American Systems Corporation, Chantilly, VA; Ampex Data Systems Corporation, Hayward, CA; Andromeda Systems Incorporated, Orange Park, FL; ANSOL, Inc., San Diego, CA; Apcerto, Ashburn, VA; Appian Logic, Great Falls, VA; Applied Energetics, Tucson, AZ; Applied Signals Intelligence, Sterling, VA; Applied Techniques Corporation, Lexington Park, MD; Applied Technology, Inc., King George, VA; Arrowhead Global, LLC, Clearwater, FL; ART Rugged Systems, Inc., El Dorado Hills, CA; Artisan Electronics, Odon, IN; Assurance Technology Corporation, Carlisle, MA; ATC–NY, Ithaca, NY; ATI Defense, Arlington, VA; Attollo, LLC, Lincoln, RI; Auburn University, Auburn, AL; AURA Technologies, Raleigh, NC; Avatar Partners, Inc., Virginia Beach, VA; AVIAN, Inc., Lexington Park, MD; Avineon, Inc., McLean, VA; AVT Simulation, Orlando, FL; Axellio Inc., Colorado Springs, CO; BAE Systems, California, MD; Ball Aerospace & Technologies Corporation, Westminster, CO; Base2 Engineering, LLC, Annapolis, MD; Bell Textron, Inc., Fort Worth, TX; Berg Manufacturing, Inc., Spokane, WA; Bevilacqua Research Corporation, Huntsville, AL; BGI, LLC, Akron, OH; BiTMICRO Networks, Inc., Fremont, CA; BlackLynx, Rockville, MD; Blue Ivy Partners, Arlington, VA; BMC Software, Inc., McLean, VA; BMNT, Palo Alto, CA; Boeing Global Services, Burien, WA; Booz Allen Hamilton, Inc., McLean, VA; BriteWerx, Inc., Aldie, VA; Business Integra, Bethesda, MD; CACI, Inc.—FEDERAL, Chantilly, VA; Cambridge International Systems, Inc., Arlington, VA; CAMX Power, LLC, Lexington, MA; Cape Henry Associates, Inc., Virginia Beach, VA; Carolina Unmanned Vehicles, Raleigh, NC; CaVU Consulting, Inc., San Diego, CA; CDW–G, Vernon Hills, IL; Centauri, Chantilly, VA; Chainalysis, Inc., Washington, DC; Cherokee Nation Red Wing, LLC, Huntsville, AL; Chesapeake Technology International Corporation, California, MD; Cintel, Inc., Huntsville, AL; Cisco Systems, Inc., San Jose, CA; Clason Point Partners, Inc., Yonkers, NY; Clear Align, LLC, Columbia, MD; Clear Ridge Defense, LLC, Nashua, NH; clearAvenue, LLC, Baltimore, MD; CLK Executive Decisions, LLC, Poquoson, VA; Cloud Front Group, Inc., McLean, VA; Cloudera Government Solutions Inc., Reston, VA; CMC Electronics, Buford, GA; Coalition Solutions Integrated, Inc., Hollywood, MD; CoAspire, LLC, Fairfax, VA; CodeMettle, Atlanta, GA; Coherent Technical Services, Inc., Lexington Park, MD; Collins Aerospace, Palo, IA; Colorado Engineering, Inc., Colorado Springs, CO; Colvin Run Networks LLC, Great Falls, VA; Commonwealth Trading Partners, Inc., Alexandria, VA; Compendium Federal Technology, Lexington Park, MD; Concurrent Technologies Corporation, Johnstown, PA; Consortium Management Group, Inc., Washington, DC; CORAS, Inc., McLean,

VA; Cornerstone Research Group, Miamisburg, OH; Corsair Technical Services, Inc., Kirkland, WA; Corvid Technologies, LLC, Mooresville, NC; CRFS Inc., Chantilly, VA; Cubic Defense Applications, Inc., San Diego, CA; CUBRC, Inc., Buffalo, NY; Curtiss-Wright Defense Solutions, Edina, MN; CyberX Labs, Waltham, MA; D Gillette Industrial Services Inc., Bangor, MA; D. Wheatley Enterprises, Inc., Belcamp, MD; Daprato Machine Company, Toronto, ON; Data Machines Corporation, Ashburn, VA; DataRobot, Inc., Boston, MA; Davis Defense Group, Inc., Stafford, VA; Daylight Defense, LLC, San Diego, CA; DE Design Works (Dave Engineering LLC), Earth City, MO; deciBel Research, Inc., Huntsville, AL; Decision Sciences, Inc., Fort Walton Beach, FL; Deloitte Consulting LLP, Arlington, VA; Derco Aerospace. a Lockheed Martin Company, Milwaukee, WI; Dfuse Technologies, Inc., Sterling, VA; DHPC Technologies, Inc., Woodbridge, NJ; Disk Enterprise Solutions, Inc., Lexington Park, MD; DNS, Portland, OR; DuPont, Wilmington, DE; Dynamic Aviation Group, Inc., Bridgewater, VA; Dynetics Technical Solutions, Inc., Madison, AL; Echo Ridge, LLC, Sterling, VA; ECI Defense Group, Lyles, TN; ECS Federal, LLC, Fairfax, VA; Elbit Systems of America, LLC, Fort Worth, TX; Elta North America, Annapolis Junction, MD; Embry-Riddle Aeronautical University, Daytona Beach, FL; Enlighten IT Consulting, LLC, Linthicum Heights, MD; ENSCO Avionics, Inc., Endicott, NY; EnterpriseDB Corporation, Bedford, MA; enVention, LLC, Huntsville, AL; Envistacom, LLC, Atlanta, GA; Epoch Concepts LLC, Highlands Ranch, CO; EPS Corporation, Tinton Falls, NJ; Evanhoe & Associates, Inc., Dayton, OH; Evans Incorporated, Falls Church, VA; F1 Concepts, LLC, Williamsburg, VA; Fathom 4, LLC, Charleston, SC; FGS, LLC, La Plata, MD; Fifty Pound Brains, LLC, Winter Park, FL; FIRST RF Corporation, Boulder, CO; FLIR Surveillance, Hollywood, MD; Florida Institute for Human & Machine Cognition (IHMC), Pensacola, FL; Florida Institute of Technology, Melbourne, FL; FragCity, Inc., Fredericksburg, VA; Frontier Technology, Inc., Beavercreek, OH; Fuse Integration, Inc., San Diego, CA; G2 Software Systems, Inc., San Diego, CA; G2IT, LLC, Annapolis, MD; G3 Technologies, Columbia, MD; Galorath Incorporated, Arlington, VA; GBL Systems Corporation, Camarillo, CA; GCC Technologies, LLC, Oakland, MD; GE Aviation Systems, Grand Rapids, MI; General Dynamics Information Technology, California, MD; General Dynamics Mission Systems, Inc., Bloomington, MN; GenXComm, Inc., Austin, TX; Georgia Tech Research Institute, Smyrna, GA; GeoSpark Analytics, Inc., Herndon, VA; Gigamon Inc., Vienna, VA; Global Air Logistics & Training, LLC, Del Mar, CA; Governors America Corporation, Agawam, MA; Green Hills Software, Columbia, MD; Greensight Agronomics, Inc., Boston, MA; Gryphon Technologies LC, Sewell, NJ; Guidehouse LLP, McLean, VA; Haave, LLC, Evergreen, CO; HART Technologies, Inc., Manassas, VA; Herdt Consulting, Inc., Chelsea, AL; Heron Systems Inc., California, MD; Herrick Technology Laboratories, Inc., Germantown, MD; Highlight Technologies, LLC, Fairfax, VA; HII Mission Driven Innovative Solutions Inc. (HII–MDIS), Huntsville, AL; Hitachi Vantara Federal, Reston, VA; hJm Consulting, LLC, Lusby, MD; Holling Enterprises LLC, Ponte Vedra Beach, FL; Honeycomb Secure Systems, Inc., Guntersville, AL; Hop Flyt, Lusby, MD; HOPZERO Inc., Austin, TX; HumanTouch, LLC, McLean, VA; Hypergiant Industries, Austin, TX; HYPR Corporation, New York, NY; IAP Worldwide Services, Inc., Cape Canaveral, FL; IBM, Bethesda, MD; Idaho Scientific, Boise, ID; Imagine One Technology & Management, Ltd., Lexington Park, MD; Infor, Evergreen, CO; Information Assurance Specialists, Turnersville, NJ; Innovative Defense Technologies, Arlington, VA; Innovative People and Technology Corporation (IPT Corp), California, MD; Integrated Production Systems Inc., Arlington, TX; IntelliDyne, LLC, Falls Church, VA; Intellisense Systems Inc., Torrance, CA; Intevac Photonics, Inc., Santa Clara, CA; Intuitive Research and Technology Corporation, Huntsville, AL; Ion Channel, Alexandria, VA; iRF Solutions, Sparks, MD; Iris Technology Corporation, Irvine, CA; J.F. Taylor, Inc., Lexington Park, MD; Jackson and Tull, Greenbelt, MD; Jenoptik Advanced Systems, LLC, Jupiter, FL; JET Systems LLC, Lexington Park, MD; JHNA, Inc., Alexandria, VA; KAIROS, Inc., California, MD; KBRwyle, Lexington Park, MD; Keysight Technologies, Arlington, VA; KIHOMAC, Reston, VA; Kitty Hawk Technologies, Honesdale, PA; KnowledgeBridge International Inc., Herndon, VA; Kolbitar, Lusby, MD; Kopis Mobile, Flowood, MS; Kratos Defense & Security Solutions, Inc., Orlando, FL; Kutta Technologies, Inc., Phoenix, AZ; L3Harris, Lexington Park, MD; Leidos, Reston, VA; Leonardo DRS, Germantown, MD; Level X Technologies Inc., Oakland Park, FL; LinQuest Corporation, Los Angeles, CA; Lockheed Martin Corporation, Moorestown, NJ; Logistic Services International, Inc., Jacksonville, FL; Lone Star Analysis, Addison, TX; Long Wave Inc., Oklahoma City, OK; M2 Technology Inc., San Antonio, TX; Maga Design, Washington, DC; Magee Technologies LLC (MTech), California, MD; Management Analysis Network, Harvest, AL; ManTech International, Herndon, VA; MarkLogic Corporation, McLean, VA; Maryland Procurement Technical Assistance Program, College Park, MD; Mastodon Design, Rochester, NY; McAfee, Reston, VA; MDSA Aerospace, Exton, PA; Mediabarn, Inc., Arlington, VA; Mercer Engineering Research Center (MERC), Warner Robins, GA; Mercury Defense Systems, Inc., Cypress, CA; Meridian Technology Systems, Inc., Adamstown, MD; Microchip Technology Corporation, Chandler, AZ; Microsoft Corporation, Morrisville, NC; Mike Sutton Consulting, Inc. (MSCI), Owens Cross Roads, AL; Mikros Systems Corporation, Fort Washington, PA; MiMoCloud, College Park, MD; Miner & Kasch, Elkridge, MD; Mission Secure, Inc., Charlottesville, VA; MKS2, LLC, Austin, TX; Mnemonics Incorporated, Melbourne, FL; Mosaic ATM, Inc., Leesburg, VA; Motorola Solutions, Inc., Schaumburg, IL; MTEQ, Inc., Lorton, VA; NAG Marine, Norfolk, VA; Nahsai, LLC, Ann Arbor, MI; Nara Logics, Inc., Boston, MA; National Center for Defense Manufacturing and Machining, Blairsville, PA; Naval Systems, Inc., Lexington Park, MD; NAVMAR, Warminster, PA; NCI Information Systems, Inc., Reston, VA; NCS Technologies, Inc., Gainesville, VA; NetApp, Falls Church, VA; Netizen Corporation, Allentown, PA; Netorian, LLC, Aberdeen, MD; Network Defense Protection LLC, Sterling, VA; Next Tier Concepts, Inc., Vienna, VA; Nishati, Inc., Gilbert, AZ; Noblis, Reston, VA; North Atlantic Industries, Bohemia, NY; Northrop Grumman Systems Corporation, Linthicum Heights, MD; Novetta Inc., McLean, VA; NTS—National Technical Systems, Camden, AR; NuEyes Technologies, Inc., Newport Beach, CA; Nutanix, San Jose, CA; Object CTalk Inc., King of Prussia, PA; ODME Solutions, LLC, San Diego, CA; Offset Strategic Services, LLC, Huntsville, AL; Old Dominion University, Modeling and Simulation Engineering Department, Norfolk, VA; Omega Aerial Refueling Services, Inc., Alexandria, VA; OMNI Technologies, LLC; OMNITEC Solutions, Inc., Bethesda, MD; Onclave Networks, Inc.,

McLean, VA; Oracle America, Inc., Redwood Shores, CA; Orolia Government Systems, Inc., Rochester, NY; OST, McLean, VA; P E Systems, Inc., Fairfax, VA; Pacific Aerospace Consulting, San Diego, CA; Pacific Star Communications, Inc., Portland, OR; PAL Services, Inc., O'Fallon, MO; Palantir USG, Inc., Washington, DC; Parker Aerospace, Irvine, CA; Parsons Corporation, Huntsville, AL; Parts Life, Inc., Moorestown, NJ; PCM–G, Inc., Herndon, VA; Pegasystems, Cambridge, MA; Penn State Executive Programs—The Pennsylvania State University, University Park, PA; Peregrine Technical Solutions, LLC, Yorktown, VA; Permuta Technologies, Springfield, VA; Perrygo Consulting Group, LLC, Lexington Park, MD; Perspecta Enterprise Solutions LLC, Herndon, VA; Perspecta, Inc., Chantilly, VA; Petascale Computing & Fabrication, Glenelg, MD; Phasor, Inc., Arlington, VA; Physical Optics Corporation, Torrance, CA; Piasecki Aircraft Corporation, Essington, PA; Pitney Bowes Inc., Annapolis, MD; Pivot Industries Limited, Littleton, CO; Platform Aerospace, Hollywood, MD; Programs Management Analytics and Technologies, Inc. (PMAT), San Diego, CA; Polaris Alpha Advanced Systems, Inc.; Precise Systems Inc., Lexington Park, MD; Precision Combustion, Inc., North Haven, CT; PreTalen, Ltd., Beavercreek, OH; Priority 5 Holdings, Inc., Needham, MA; Probus Test Systems, Inc., Lincroft, NJ; Pryon, Inc., Raleigh, NC; PSI Pax, Inc., California, MD; Pure Storage—All Flash Technology, Reston, VA; QED Systems Inc., Virginia Beach, VA; Qlik, Leesburg, VA; Quest Public Sector, Rockville, MD; R2C Inc., Huntsville, AL; R9B, Colorado Springs, CO; Ratio Innovation Management, LLC, Fredericksburg, VA; RavenTek Solution Partners, Herndon, VA; Raytheon Company, Waltham, MA; Red Hat, Inc., McLean, VA; Red River Technology LLC, Reston, VA; Red Wire Technologies, Knoxville, TN; REDCOM Laboratories, Inc., Victor, NY; Redstone Aviation Group, Huntsville, AL; Reservoir Labs, Inc., New York, NY; Resource Management Concepts, Inc., Lexington Park, MD; Rite-Solutions, Inc., Arlington, VA; RIX Industries, Benicia, CA; Rocket Technology, Inc., Richmond, VA; Rohde & Schwarz USA, Inc., Flower Mound, TX; Sabre Systems Inc., Lexington Park, MD; Safe, Inc., Tempe, AZ; Science Applications International Corporation (SAIC), Reston, VA; SAP, Washington, DC; Scalable Network Technologies, Inc., Culver City, CA; Science and Engineering Services LLC, California, MD; Scientific Research Corporation, North Charleston, SC; Sealing Technologies, Inc., Columbia, MD; Sechan Electronics, Inc., Lititz, PA; Segue Technologies, Inc., Arlington, VA; Sensalyze, Leesburg, VA; ServiceNow, Vienna, VA; Sev1Tech, LLC, Woodbridge, VA; Si2 Technologies, Inc., North Bellerica, MA; Sierra Nevada Corporation, Sparks, NV; Silver Palm Technologies, Ijamsville, MD; SimVentions, Fredericksburg, VA; SitScape, Inc., Vienna, VA; Skyways Air Transportation, Inc., Manor, TX; SMFS, Inc. dba GRIMM, Dunn Loring, VA; Soar Technology, Inc., Ann Arbor, MI; Software Professional Solutions, Inc. (SPS), Colts Neck, NJ; Solers, Inc., Arlington, VA; SOLUTE, San Diego, CA; Southeastern Computer Consultants, Inc., Frederick, MD; Southern Research, Birmingham, AL; Southwest Research Institute, San Antonio, TX; Spalding Consulting, Inc., Lexington Park, MD; Specialty Systems, Inc., Toms River Township, NJ; Spectrum Comm, Inc., Newport News, VA; Spirit AeroSystems, Inc., Wichita, KS; SR Technologies, Inc., Sunrise, FL; SRC, Inc., North Syracuse, NY; SRI International, Arlington, VA; St. Moritz Enterprises, LLC, Orlando, FL; StraCon Services Group, LLC, Fort Worth, TX; Strategic Solutions Unlimited, Inc., Fayetteville, NC; Stryke Industries, LLC, Fort Wayne, IN; Sullivan Cove Consultants, LLC, Severna Park, MD; SURVICE Engineering Company, LLC, Belcamp, MD; SWMG Productions, Inc., Phoenix, AZ; Synectic Solutions, Inc., Lexington Park, MD; Synertex LLC, Reston, VA; Systems & Technology Research, Woburn, MA; Systems Engineering Group, Columbia, MD; Systems Innovation Engineering, Ashburn, VA; Tactical Air Support, Inc., Lexington Park, MD; TapHere! Technology, LLC, Manassas, VA; Technica Corporation, Dulles, VA; Technical Systems Integration, Inc., Norfolk, VA; Technology Security Associates, Inc., California, MD; Technology Service Corporation (TSC), Los Angeles, CA; Telephonics Corporation, Farmingdale, NY; Telesto Group, LLC, West Palm Beach, FL; Tennessee State University, Nashville, TN; Thales Defense & Security, Inc., Clarksburg, MD; The Albers Group, LLC, McKinney, TX; The Boeing Company, Lake Ridge, VA; The Center for Innovation, Technology, and Entrepreneurship, Inc. (CITE), Baltimore, MD; The Charles Stark Draper Laboratory, Inc., Cambridge, MA; The Informatics Applications Group, Inc. (TIAG), Reston, VA; The Maryland Center at Bowie State University, Bowie, MD; The MIL Corporation, Lexington Park, MD; The Patuxent Partnership, Lexington Park, MD; The RMA Consultants, Inc., Manassas, VA; The SANS Institute, North Bethesda, MD; The University of Alabama in Huntsville, Huntsville, AL; Thomas Global Systems, Irvine, CA; ThoughtSpot, Sunnyvale, CA; TIAX, LLC, Lexington, MA; TIC Secure, LLC, Bethesda, MD; TMA, Inc., Chantilly, VA; Torch Technologies, Inc., Huntsville, AL; TQI Solutions, Inc., Norfolk, VA; Transformational Security, LLC, Columbia, MD; Transtecs Corporation, Arlington, VA; Trex Enterprises Corporation, San Diego, CA; Trifacta, Towson, MD; Trinary Software, Los Angeles, CA; Tummah Technology, Inc., Huntsville, AL; Ultra Electronics—USSI, Columbia City, IN; Unisys Corporation, Reston, VA; United Rotorcraft, An Air Methods Division, Englewood, CO; University of Florida, Florida Applied Research in Engineering, Gainesville, FL; Up Doppler Consulting, LLC, Leonardtown, MD; Valour, LLC, Lexington Park, MD; Vanguard Marketing International, Inc. (VMI), Cave Creek, AZ; Veraxx Engineering Corporation, Chantilly, VA; Vertex Aerospace, Madison, MS; VES, LLC, Aberdeen Proving Ground, MD; Viasat, Inc., Carlsbad, CA; Virginia Polytechnic Institute and State University, Blacksburg, VA; Visionary Business Solutions, LLC, Merchantville, NJ; VRgluv, Atlanta, GA; VT Group, Chantilly, VA; Vyalex Management Solutions, Inc., Lexington Park, MD; Williams-Jones Consulting, Easton, PA; Wireless Research Center of North Carolina, Lake Forest, NC; Woolpert, Charlotte, NC; World Wide Technology, Saint Louis, MO; X Technologies, Inc., San Antonio, TX; X-Feds, Inc., San Diego, CA; Zekiah Technologies, Inc., La Plata, MD; Zenetex, LLC, Washington, DC; and Zolon Tech Inc., Herndon, VA.

The general area of NASC's planned activity is to execute and implement an Other Transaction Agreement (''OT Agreement'') with the U.S. Government (''Government'') (a) for the funding of certain research, development, testing and evaluation of prototypes leading to follow-on project production to be conducted as a collaboration between the Government and the NASC Members, to enhance the capabilities of the Government and its departments and agencies in the development of prototypes and full production thereof in the critical technology field of naval aviation (''NASC Mission''); (b) to participate in the establishment of sound technical and programmatic performance goals based on the needs and requirements of the Government's naval aviation Technology Objectives;

(c) to provide a unified voice to effectively articulate the global and strategically important role the NASC Mission plays in furthering national security objectives; and (d) to maximize the utilization of the Government's and Members' capabilities to effectively develop critical technologies which can be transitioned and commercialized.

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–26652 Filed 12–10–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On December 3, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Pennsylvania in the lawsuit entitled *United States, et al.* v. *Lehigh Cement Company LLC and Lehigh White Cement Company, LLC,* Civil Action No. 5:19-cv-05688.

In a Complaint that was filed simultaneously with the Consent Decree, the United States and seven states and state or local agencies seek injunctive relief against Lehigh Cement Company LLC (''Lehigh'') and Lehigh White Cement Company, LLC (''Lehigh White'') and penalties against Lehigh, pursuant to Sections 113(b) and 167 of the Clean Air Act (''the Act''), 42 U.S.C. 7413(b) and 7477, for alleged violations of the Prevention of Significant Deterioration provisions of the Act, 42 U.S.C. 7470–7492; the nonattainment New Source Review provisions of the Act, 42 U.S.C. 7501–7515; the federally-approved and enforceable state implementation plans, which incorporate and/or implement the above listed requirements; and corresponding state laws. The Complaint alleges claims at one or more of eleven Portland cement facilities located in eight states owned or operated by Lehigh or Lehigh White. The states and state or local agencies that have joined the Complaint and are signatories to the Consent Decree consist of Indiana, Iowa, Maryland, New York, the Pennsylvania Department of Environmental Protection, the Jefferson County Board of Health (Alabama), and the Bay Area Air Quality Management District (California).

The Consent Decree would require installation of emissions control technology for nitrogen oxides (NO_X) and sulfur dioxide (SO_2), emissions monitoring systems, and set specified NOx and SO_2 emission limits (except that the emission limit for SO_2 at the Cupertino, CA facility would be established through a testing program). The Decree would also require Lehigh to pay a civil penalty of $1.3 million, and perform a mitigation project involving upgrading two off-road vehicle engines at an estimated cost of $650,000, which is expected to reduce smog-forming NO_X by approximately 25 tons per year.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Lehigh Cement Company LLC and Lehigh White Cement Company, LLC,* D.J. Ref. No. 90–5–2–1–08531/1. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $26.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–26646 Filed 12–10–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Benefits Timeliness and Quality (BTQ) Review System

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Benefits Timeliness and Quality Review System.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by February 10, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Candace Edens by telephone at 202–693–3195 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Edens.Candace@DOL.Gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Room S–4524, Washington, DC 20210; by email: *Edens.Candace@DOL.Gov;* or by Fax 202–693–3975.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The burden information for the ETA 9057 has been revised to adjust the number of small and large states to

reflect the most recent data. This category is dependent upon the number of decisions the states issued during the prior calendar year, and varies from year to year. The ETA 9054 report has been revised to correct a typographical error in Section A. The third time lapse category reads 45–60 (days), but should read 46–60 (days). The BTQ program collects information and analyzes data. The BTQ data measure the timeliness and quality of states' administrative actions and administrative decisions related to unemployment insurance benefit payments. Sections 303(a)(1) and (a)(6) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(6)) authorize this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0359.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Benefits Timeliness and Quality Review System.

Forms: ETA–9050, ETA–9051, ETA–9052, ETA–9054, ETA–9055, ETA–9056, ETA–9057.

OMB Control Number: 1205–0359.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Monthly and Quarterly.

Total Estimated Annual Responses: 27,556.

Estimated Average Time per Response: 64 minutes.

Estimated Total Annual Burden Hours: 37,012 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2019–26658 Filed 12–10–19; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Petition for Classifying Labor Surplus Areas

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Petition for Classifying Labor Surplus Areas.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by February 10, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Donald Haughton by telephone at 202–693–2784, TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Haughton.Donald.W@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW, Room C–4510, Washington DC, 20210; by email: *Haughton.Donald.W@dol.gov;* or by Fax 202–693–3015.

FOR FURTHER INFORMATION CONTACT: Donald Haughton by telephone at 202–693–2784 (this is not a toll-free number) or by email at *Haughton.Donald.W@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Under Executive Orders 12073 and 10582, and 20 CFR parts 651 and 654, the Secretary of Labor is required to classify Labor Surplus Areas (LSAs) and disseminate this information for the use of all Federal agencies. This information is used by Federal agencies for various purposes including procurement decisions, waiver decisions for the Supplemental Nutritional Assistance Program, certain small business loan decisions, as well as other purposes determined by the agencies. The LSA list is issued annually, effective October 1 of each year, utilizing data from the Bureau of Labor Statistics. Areas meeting the criteria are classified as LSAs.

Department regulations specify that the Department can add other areas to the annual LSA listing under the exceptional circumstance criteria. Such additions are based on information contained in petitions submitted by the state workforce agencies (SWAs) to ETA. These petitions contain specific economic information about an area to provide ample justification for adding the area to the LSA listing under the exceptional circumstances criteria. The

petitions submitted by the SWAs concern various aspects of unemployment and the economic condition for a specific area in order to provide justification for adding the area to the LSA list under the exceptional circumstances criteria. Under these criteria, an area may be determined eligible for classification as a LSA if it is experiencing a high rate of unemployment which is not temporary or seasonal and which was not adequately reflected in the unemployment data for the two-year reference period. Instructions designed to assist SWAs in the preparation of such petitions are currently contained on the ETA website: *http://www.doleta.gov/programs/lsa.cfm.*

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention Classifying Labor Surplus Areas (LSA), OMB control number 1205–0207.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Petition for Classifying Labor Surplus Areas.

Form: N/A.

OMB Control Number: 1205–0207.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 3.

Frequency: Annually.

Total Estimated Annual Responses: 3.

Estimated Average Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 9 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2019–26657 Filed 12–10–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Compliance Check Letters Office of the Secretary

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) Office of Federal Compliance Programs (OFCCP) is submitting the sponsored information collection request (ICR) proposal titled, ''Construction Compliance Check Letters,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before January 10, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201910-1250-002* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OFCCP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Construction Compliance Check Letters information collection. OFCCP will conduct compliance checks of construction contractors. The compliance check is an investigative method to help contractors comply with OFCCP's Affirmative Action Program (AAP) and recordkeeping requirements. An annual AAP is fundamental to maintaining an active system capable of providing ongoing equal employment opportunity through affirmative action and ensuring nondiscrimination.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB, under the PRA, approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the

Federal Register on April 8, 2019 (84 FR 13964).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201910–1250–002. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility:
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OFCCP.

Title of Collection: Construction Compliance Check Letters.

OMB ICR Reference Number: 201910–1250–002.

Affected Public: Private Sector; Businesses or other for-profits.

Total Estimated Number of Respondents: 500.

Total Estimated Number of Responses: 500.

Total Estimated Annual Time Burden: 3,650 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

Dated: December 5, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–26656 Filed 12–10–19; 8:45 am]

BILLING CODE 4510–CM–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Awards and Facilities (A&F), pursuant to National Science Foundation regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME & DATE: Monday, December 16, 2019, from 3:00–4:00 p.m. EST.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED: Committee Chair's opening remarks; discussion of NSB process for approval of MSRI–2 awards; Committee Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Elise Lipkowitz, *elipkowi@nsf.gov,* 2415 Eisenhower Avenue, Alexandria, VA 22314. Telephone: 703/292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/notices/.jsp#sunshine.* Please refer to the National Science Board website at *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2019–26770 Filed 12–9–19; 4:15 pm]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–47 and CP2020–45; MC2020–48 and CP2020–46; MC2020–49 and CP2020–47; MC2020–50 and CP2020–48]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 13, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–47 and CP2020–45; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 134 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* December 13, 2019.

2. *Docket No(s).:* MC2020–48 and CP2020–46; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 135 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* December 13, 2019.

3. *Docket No(s).:* MC2020–49 and CP2020–47; *Filing Title:* USPS Request to Add Priority Mail Contract 570 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Jennaca D. Upperman; *Comments Due:* December 13, 2019.

4. *Docket No(s).:* MC2020–50 and CP2020–48; *Filing Title:* USPS Request to Add Priority Mail Contract 571 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Jennaca D. Upperman; *Comments Due:* December 13, 2019.

This Notice will be published in the **Federal Register**.

Darcie S. Tokioka,

Acting Secretary.

[FR Doc. 2019–26662 Filed 12–10–19; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 571 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–50, CP2020–48.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26625 Filed 12–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 134 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–47, CP2020–45.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26622 Filed 12–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 570 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–49, CP2020–47.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26624 Filed 12–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 135 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–48, CP2020–46.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26623 Filed 12–10–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–498, OMB Control No. 3235–0556]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 15b11–1/Form BD–N.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 15b11–1 (17 CFR 240.15b11–1) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*) and Form BD–N (17 CFR 249.501b). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15b11–1 provides that a broker or dealer may register by notice pursuant to section 15(b)(11)(A) of the Exchange Act (15 U.S.C. 78*o*(b)(11)(A)) if it: (1) Is registered with the Commodity Futures Trading Commission as a futures commission merchant or an introducing broker, as those terms are defined in the Commodity Exchange Act (7 U.S.C. 1, *et seq.*); (2) is a member of the National Futures Association or another national securities association registered under section 15A(k) of the Exchange Act (15 U.S.C. 78*o*–3(k)); and (3) is not required to register as a broker or dealer in connection with transactions in securities other than security futures products. The rule also requires a broker or dealer registering by notice to do so by filing Form BD–N (17 CFR 249.501b) in accordance with the instructions to the form. In addition, the rule provides that if the information provided by filing the form is or becomes inaccurate for any reason, the broker or dealer shall promptly file an amendment on the form correcting such information.

The Commission staff estimates that the total annual reporting burden associated with Rule 15b11–1 and Form BD–N is approximately two hours, based on an average of two initial notice registrations per year that each take approximately 30 minutes to complete, for one hour, plus an average of three amendments per year that each take approximately fifteen minutes to complete, for 0.75 hours, rounded up to one hour, for a total of two hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov*.

Dated: December 5, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26629 Filed 12–10–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87671; File No. SR–NYSE–2019–54]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Permit the Exchange To List and Trade Exchange Traded Products

December 5, 2019.

On October 3, 2019, New York Stock Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade Exchange Traded Products that have a component NMS Stock listed on the Exchange or that are based on, or represent an interest in, an underlying index or reference asset that includes an NMS Stock listed on the Exchange. The proposed rule change was published for comment in the **Federal Register** on October 23, 2019.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is December 7, 2019. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates January 21, 2020 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSE–2019–54).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26641 Filed 12–10–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street, NE, Washington, DC 20549–2736.

Extension:

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 87329 (Oct. 17, 2019), 84 FR 56864.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

Rule 147(f)(1)(iii) Written Representation as to Purchaser Residency, SEC File No. 270–805, OMB Control No. 3235–0756

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 147 is a safe harbor under the Securities Act Section 3(a)(11)(15 U.S.C. 77c(a)(11)) exemption from registration. To qualify for the safe harbor, Rule 147(f)(1)(iii) (17 CFR 230.147) will require the issuer to obtain from the purchaser a written representation as to the purchaser's residency. Under Rule 147, the purchaser in the offering must be a resident of the same state or territory in which the issuer is a resident. While the formal representation of residency by itself is not sufficient to establish a reasonable belief that such purchasers are in-state residents, the representation requirement, together with the reasonable belief standard, may result in better compliance with the rule and maintaining appropriate investor protections. The representation of residency is not provided to the Commission. Approximately 700 respondents provide the information required by Rule 147(f)(1)(iii) at an estimated 2.75 hours per response for a total annual reporting burden of 1,925 hours (2.75 hours × 700 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 5, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26627 Filed 12–10–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form SD, SEC File No. 270–647, OMB Control No. 3235–0697

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SD (17 CFR 249b–400) under Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'') pursuant to Section 13(p) (15 U.S.C. 78m(p)) of the Exchange Act is filed by issuers to provide disclosures regarding the source and chain of custody of certain minerals used in their products. The information provided is mandatory and all information is made available to the public upon request. We estimate that Form SD takes approximately 541.3596 hours per response to prepare and is filed by approximately 1,481 issuers. We estimate that 75% of the 541.3596 hours per response (406.0197 hours) is prepared by the issuer internally for a total annual burden of 601,315 hours (406.0197 hours per response × 1,481 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: December 5, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26628 Filed 12–10–19; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0330]

Ballast Point Ventures III, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Ballast Point Ventures III, L.P., 401 East Jackson Street, Suite 2300, Tampa, FL 33602, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing in a small concern, has sought an exemption under Section 312 of the Act, Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Ballast Point Ventures III, L.P. proposes to invest $2 million in YPrime Inc., 9 Great Valley Parkway, Malvern, PA 19355, in a proposed $5 million follow-on financing led by a significant sophisticated third party. The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Ballast Point Ventures II, LP and Ballast Point Ventures EF II, LP (together ''BPV II'') and YPrime Inc. are Associates to the Licensee. YPrime is expected to receive $5 million from a proposed $5 million follow-on financing. Thus, this transaction constitutes a Conflict of Interest requiring SBA's prior written exemption.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business

Administration, 409 Third Street SW, Washington, DC 20416.

A. Joseph Shepard,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2019–26616 Filed 12–10–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 10972]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition—Determinations: ''Madame d'Ora'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be exhibited in the exhibition ''Madame d'Ora,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Neue Galerie New York, in New York, New York, from on or about February 20, 2020, until on or about June 8, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Paralegal Specialist, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–26706 Filed 12–9–19; 4:15 pm]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1291X]

Alcoa Energy Services, Inc.—Abandonment Exemption—in Milam County, Tex.

On November 21, 2019, Alcoa Energy Services, Inc. (AESI), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 for AESI to abandon approximately six miles of railroad line extending between milepost 0.0 at a point of connection with Union Pacific Railroad Company at Marjorie, Tex., and milepost 6.0 at Sandow, Tex. (the Line).[1] The Line traverses U.S. Postal Service Zip Codes 76567 and 76577.

AESI acquired the Line in 2018. *See Alcoa Energy Servs., Inc.—Acquis. Exemption—Rockdale, Sandow & S. R.R.,* FD 36257 (STB served Dec. 14, 2018). AESI states that, after almost a year of ownership, there is no current demand for rail service and no apparent traffic prospects. (Pet. 3.)[2] AESI states that, if the petition for exemption is granted, it intends for the time being to preserve the Line as private, unregulated trackage, but it cannot rule out the possibility of future salvage. (Pet. 2.)

AESI believes that it possesses fee title interest in the underlying right-of-way, and, as such, that there is no federally granted right-of-way along the route. Any documentation in the railroad's possession regarding federally granted right-of-way will be made available promptly to those requesting it.

AESI states that, because it proposes to abandon its entire railroad system, it is appropriate that no labor protective conditions be imposed. (Pet. 7 (citing *Knox & Kane R.R.—Aban. Exemption—McKean Cty., Pa.,* AB 551 (Sub-No. 2X) (STB served July 24, 2015).)

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by March 10, 2020.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Persons interested in submitting an OFA must first file a formal expression of intent to file an offer by December 23, 2019, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(1)(i).

Following authorization for abandonment, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for interim trail use/rail banking under 49 CFR 1152.29 will be due no later than December 31, 2019.[3]

All pleadings, referring to Docket No. AB 1291X, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on AESI's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606. Replies to this petition are due on or before December 31, 2019.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available at *www.stb.gov.*

Decided: December 5, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2019–26665 Filed 12–10–19; 8:45 am]

BILLING CODE 4915–01–P

[1] AESI states that it does not know if the Line has any stations, but it believes that the Line may include the stations of Marjorie and Sandow.

[2] According to the petition, Alcoa USA Corp. owns an inactive smelter facility (Sandow Facility) on the Line which will not be restored to operation. (Pet. 1–2.)

[3] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2019–0103]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this provides the public notice that by letter received December 3, 2019, Colorado Pacific Railroad, LLC (CXR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 234. FRA assigned the petition Docket Number FRA–2019–0103.

Specifically, CXR seeks a waiver from the requirements of 49 CFR 234.247, *Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements.* CXR seeks this relief to operate over five non-functioning highway-rail grade crossings (HRGC) in Kiowa County, Colorado, without making inspections and tests required in § 234.249 through § 234.271.

The line runs from milepost (MP) 747.50 in Towner, Colorado, to NA Junction, Colorado, at MP 869.40. CXR purchased the line in 2017, but it has not yet started operations pending repair and rehabilitation of the tracks that have been neglected for many years.

CXR explains the HRGC warning signal system at each of the five locations has been vandalized. CXR intends to rehabilitate the tracks to meet FRA Class 2 standards with 25 miles per hour (MPH) operation, with 10 MPH in Eads, Colorado, and Ordway, Colorado, with an average of one train per day. Applications to the Colorado Public Utilities Commission have been made for the five involved HRGCs. Four of the five applications seek changing the active crossings to passive crossings, and one application seeks to remove the gates, but keep the flashers.

CXR explains it only seeks permission to temporarily use flagmen at five HRGCs in relatively small Colorado towns to allow rail service pending the reconstruction of rail signaling and equipment. The expectation is that no more than one train of 25 cars per day would be transported over these HRGCs for a period of 10 weeks. This rail service would be over an approximately 62-mile-long segment of CXR's 122-mile rail line. This segment extends from Haswell, Colorado, eastward to Towner, Colorado, where the CXR track interchanges with the track of the Kansas & Oklahoma Railroad.

CXR states there is a present urgency to permit this rail service. Area wheat and milo farmers, in reliance upon restoration of rail service to this territory, have delivered so much grain to one Haswell facility, that it has been necessary to store a veritable mountain of it on the ground. 2019 saw near record rainfall in this territory, resulting in above average harvest amounts. To avoid the waste of these harvested crops, expedited approval of flagman service to allow opening of the railroad to service is necessary.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by January 10, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice *of regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2019–26663 Filed 12–10–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0029; NHTSA–2019–0030; Notice 2]

Mack Trucks, Inc., and Volvo Trucks North America, Grant of Petitions for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petitions.

SUMMARY: Mack Trucks Inc., (Mack) and Volvo Trucks North America (Volvo) have determined that certain model year (MY) 2014–2019 Mack Trucks and certain MY 2014–2019 Volvo Trucks do not comply with Federal Motor Vehicle Safety Standard (FMVSS) 101, *Controls and Displays.* Both Mack and Volvo filed noncompliance reports dated August 16, 2018, and later amended them on August 23, 2018, and June 2, 2019. Both Mack and Volvo subsequently petitioned NHTSA on October 9, 2018, and later amended their respective petitions on May 29, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces grant of both Mack and Volvo's petitions.

FOR FURTHER INFORMATION CONTACT: John Finneran, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366–5289, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview

Mack and Volvo have determined that certain MY 2014–2019 Mack Trucks and that certain MY 2014–2019 Volvo Trucks do not comply with Table 2 of FMVSS 101, *Controls and Displays* (49 CFR 571.101). Both Mack and Volvo filed noncompliance reports dated August 16, 2018, and later amended

them on August 23, 2018, and June 2, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Both Mack and Volvo subsequently petitioned NHTSA on October 9, 2018, and later amended their petitions on May 29, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of Mack's and Volvo's petitions was published with a 30-day public comment period on August 21, 2019, in the **Federal Register** (84 FR 43663). No comments were received.

II. Vehicles Involved

Approximately 95,000 MY 2014–2019 Mack Anthem, Granite, LR, Pinnacle, TerraPro, and Titan Trucks, manufactured between September 1, 2013, and August 13, 2018, are potentially involved.

Approximately 130,000 MY 2014–2019 Volvo VAH, VHD, VNL, VNM, VNR VNX, and VT Trucks, manufactured between September 1, 2013, and August 13, 2018, are potentially involved.

III. Noncompliance

Mack and Volvo explained that the noncompliance is that the Low Brake Air Pressure telltale for air brake systems does not display the words ''Brake Air,'' as specified in Table 2 of FMVSS No. 101. The subject Mack vehicles include various combinations of low air telltales, pressure gauges, and available alerts, and the subject Volvo vehicles include both visual and audible warnings that are not an exact match to the ''Brake Air'' telltale requirement.

IV. Rule Requirements

Paragraphs S5 and S5.2.1 of FMVSS No. 101 include the requirements relevant to these petitions. Each passenger car, multipurpose passenger vehicle, truck and bus that is fitted with a control, a telltale, or an indicator listed in Table 1 or Table 2 must meet the requirements of FMVSS No. 101 for the location, identification, color, and illumination of that control, telltale or indicator.

Each control, telltale and indicator that is listed in column 1 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2.

V. Summary of Petition

Mack and Volvo both described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

Mack and Volvo submitted the following views and arguments in support of the petitions:

1. Both Mack and Volvo provide a visual and audible alarm along with air pressure gauges and feel that their vehicles, even though non-compliant, meet the intent of the regulation to provide a clear and visible warning to the driver when the air pressure in the service reservoir system is below 60 psi.

2. For Mack Granite, Pinnacle, and Titan model vehicles that are 2018 and earlier, the display includes two gauges and a red low air pressure indicator lamp for each gauge. When a low air pressure situation occurs, the driver is warned through the gauge, a red indicator lamp in each gauge, and an audible warning.

3. For Mack LR model vehicles, two pressure gauges, a low air telltale, a popup in the display, and an audible alarm are provided.

4. For Mack TerraPro model vehicles, pressure gauges, a low air telltale, and an audible alarm are provided.

5. In 2019 and later Anthem, Pinnacle, and Granite model vehicles, pressure gauges, a low air pressure pop-up (System Air Pressure is Low), and an audible alarm are provided.

6. For Volvo, 2014–2019 models, the display includes two gauges and a red low air pressure indicator lamp for each gauge. When a low air pressure situation occurs, the driver is warned through the gauge, a red indicator lamp in each gauge, and an audible warning. On all models and model years, a pop-up (Low System Air Pressure) is provided in addition to the gauges, a low-pressure indicator, and an audible alarm.

Both Mack and Volvo concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that their petitions to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

VI. NHTSA's Consideration

Any manufacturer that determines a noncompliance to exist and intends to petition the agency, pursuant to 49 CFR part 556.4(c), must submit their petition no later than 30 days after such determination. Both Mack and Volvo submitted their petitions 25 days past the 30-day requirement. However, due to the nature of the noncompliance and considering that the agency has previously granted similar inconsequential noncompliance petitions, in this case, the agency has decided to accept both Mack and Volvo's petitions.

VII. NHTSA's Analysis

NHTSA has considered the arguments presented by Mack and Volvo and has determined that the subject noncompliance is inconsequential to motor vehicle safety. NHTSA believes that the subject noncompliance poses no risk to motor vehicle safety for the reasons discussed below:

1. When a low air pressure situation exists, each vehicle has a low system air pressure indicator illuminated in red with a black background. There are no requirements in FMVSS No. 101 for the color of the telltale but the petitioner's use of red, which is an accepted color representing an urgent condition, provides a definitive indication of a situation that needs attention.

2. Simultaneous to the illumination of the low system air pressure indicators is activation of an audible alert, further notifying the operator that a malfunction exists, requiring corrective action. Although the alert would not, in and of itself, identify the problem, a driver would be prompted by the warning tone to heed the other indicators.

3. In a low-pressure situation, the operator is provided additional feedback by the primary and secondary instrument cluster air gauges which are marked with numerical values in PSI units with red shading denoting the low-pressure range.

4. The Agency believes that the functionality of the parking brake system and the braking performance of the service brake system remain unaffected by the use of multiple different indicators and audible alerts instead of the words ''Brake Air'' on the subject vehicles.

5. Lastly, NHTSA believes that, as the affected trucks are predominately used as commercial vehicles with professional drivers, operators will monitor their vehicle's condition and take note of any warning signs and gauge readings to ensure proper functionality of all systems. Also, professional drivers will become familiar with the meaning of the telltales and other warnings and the feedback provided to the driver in these vehicles, if a low brake pressure condition exists, would be well understood.

NHTSA concludes that simultaneous activation of the red low air pressure indicators, an audible alert for a low air pressure condition, along with the primary and secondary air gauge indicators, provide adequate notification to the operator that a brake malfunction exists.

VIII. NHTSA's Decision

In consideration of the foregoing, NHTSA finds that Mack and Volvo have met their burden of persuasion that the FMVSS No. 101 noncompliance is, in each case, inconsequential as it relates to motor vehicle safety. Accordingly, Mack and Volvo's petitions are hereby granted, and they are exempted from the obligation to provide notification of and remedy for, the subject noncompliance in the affected vehicles under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicle that Mack and Volvo no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Mack and Volvo notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2019–26685 Filed 12–10–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0025: Notice No. 19–XX]

Hazardous Materials: Notice of Issuance of Special Permit Regarding Liquefied Natural Gas

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice as a general informational announcement concerning the issuance of a special permit. The special permit authorizes the grantee to transport Methane, refrigerated liquid (*i.e.,* liquefied natural gas or LNG) by rail tank car. The special permit and documents supporting the special permit decision have been added to PHMSA's LNG by Rail Notice of Proposed Rulemaking Docket (Docket No. PHMSA–2018–0025) for consideration by the public because the subject matter of the special permit overlaps with the subject matter of PHMSA's rulemaking proposing to authorize the transport of LNG in rail tank cars. PHMSA reviewed comments to the draft environmental assessment (Docket No. PHMSA–2019–0100) published for public review on June 6, 2019. These comments informed PHMSA's decision making in issuing the special permit and will also help to inform PHMSA's deliberations with respect to a potential LNG by rail final rule. PHMSA will consider any additional comments on the operational controls included in the special permit that are filed to the LNG rulemaking docket to aid the agency in determining what, if any, operational controls may be appropriate for inclusion in a potential final rule.

DATES: Comments must be received to Docket No. PHMSA–2018–0025 by December 23, 2019. To the extent practicable, PHMSA will consider late-filed comments in development of a potential final rule.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2018–0025 (HM–264) via any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2018–0025) or RIN (2137–AF40) for this rulemaking at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 105.30, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Michael Ciccarone, Office of Hazardous Materials Safety, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590–0001. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the LNG by Rail Notice of Proposed Rulemaking Docket (Docket No. PHMSA–2018–0025).

FOR FURTHER INFORMATION CONTACT: Donald Burger, Approvals and Permits (PHH–30), Telephone (202) 366–4535, or Michael Ciccarone, Standards and Rulemaking Division (PHH–10),

Telephone (202) 366–8553. U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, East Building, 2nd Floor, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: On June 6, 2019, PHMSA published a Notice of Draft Environmental Assessment for a Special Permit Request for Liquefied Natural Gas by Rail (PHMSA–2019–0100–0002) in the **Federal Register**. PHMSA solicited comment on the draft environmental assessment (EA) for a special permit request from Energy Transport Solutions, LLC. The notice requested comment on potential safety, environmental, and any additional impacts that should be considered as part of the special permit evaluation. See Docket No. PHMSA–2019–0100 for further information on the draft special permit.

The comment period closed on August 7, 2019. PHMSA received approximately 2,985 comments to the docket for the notice. In consideration of the request for special permit and the 2,985 comments received to the notice, PHMSA completed a technical evaluation and a revised EA. For more information on the comments received please see the revised EA, *Section 6 PHMSA's Response to Public Comments,* included in both this docket and the docket for the draft EA and special permit. PHMSA invites public comments relevant to the rulemaking on these materials to be submitted to the rulemaking docket (Docket No. PHMSA–2018–0025).

The special permit—as issued—includes certain operational controls that were not included in the draft special permit, draft EA, and the ''Hazardous Materials: Liquefied Natural Gas by Rail'' (HM–264) notice of proposed rulemaking (NPRM). Specifically, paragraph 7.c of the special permit states the following:

7.c. OPERATIONAL CONTROLS:

(1) Each tank car must be operated in accordance with § 173.319 except as specified in paragraph 7.a. above.[1]

(2) Shipments are authorized between Wyalusing, PA and Gibbstown, NJ, with no intermediate stops.

(3) Within 90 days after issuance, the grantee shall prepare and submit a plan providing per shipment quantities, timelines, and other actions to be taken for moving from single car shipments to multi-car shipments, and subsequently to unit trains (20 or more tank cars).

(4) Trains transporting 20 or more tank cars authorized under this special permit must be equipped and operated with a two-way end of train device as defined in 49 CFR 232.5 or distributed power as defined in 49 CFR 229.5.

(5) Prior to the initial shipment of a tank car under this special permit, the grantee must provide training to emergency response agencies that could be affected between the authorized origin and destination. The training shall conform to NFPA–472,[2] including known hazards in emergencies involving the release of LNG, and emergency response methods to address an incident involving a train transporting LNG.

(6) While in transportation, the grantee must remotely monitor each tank car for pressure, location, and leaks.

These operational controls were added as a result of PHMSA's consideration of the comments received to the draft EA, PHMSA invites comments on these operational controls to be submitted to the rulemaking docket (Docket No. PHMSA–2018–0025). We encourage commenters to provide data on the safety or economic impacts associated with operational controls in the special permit, including analysis of the safety benefits and the potential cost-benefit impact of implementing these or other operational controls.

Issued in Washington, DC, on December 5, 2019.

William S. Schoonover,

Associate Administrator of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2019–26614 Filed 12–10–19; 8:45 am]

BILLING CODE 4910–60–P

[1] Paragraph 7.a. authorizes DOT–113C120W tank cars for bulk transport of LNG and specifies that each tank car must have a maximum permitted filling density (percent by weight) of 32.5%; a maximum operating pressure of 15 psig when offered for transportation; and remote sensing for detecting and reporting internal pressure, location, and leakage.

[2] NFPA–472 is a voluntary consensus standard developed by the National Fire Protection Association establishing minimum competencies for responding to hazardous materials emergencies.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modifications to Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before December 26, 2019.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 5, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data			
11827–M	Fujifilm Electronic Materials U.S.A., Inc.	180.605(c)(1), 180.352(b)(3) ...	To modify the special permit to add IMDG language to harmonize international transportation of affected tanks. (modes as authorized by the HMR).
11911–M	Transfer Flow, Inc	177.834(h), 178.700(c)(1)	To modify the special permit to authorize two new fuel cap designs. (mode 1).
14193–M	Honeywell International Inc	172.101(h)	To modify the special permit to authorize additional portable tanks with identical specifications to those already authorized. (modes 1, 2, 3).
14313–M	Airgas USA LLC	172.203(a), 172.301(c), 173.302a(b), 180.205.	To modify the special permit to authorize the use ultrasonic examination (UE) technology to inspect CTC, CRC, BTC, and TC cylinders that have a corresponding DOT specification cylinders as described in the 49 CFR § 171.12 (a)(4) text and table for requalification in lieu of the hydrostatic pressure test and internal visual examination, and to waive the required marking of the cylinders and shipping papers with the special permit number. (modes 1, 2, 3, 4, 5).
15873–M	Jiangxi Oxygen Plant Co., Ltd	178.274(b)(2)	To modify the special permit to authorize lower pressure and greater capacity of the cylinders. (modes 1, 2, 3).
15963–M	Jack Harter Helicopters, Inc	172.101(j), 172.200, 172.204(c)(3), 172.301(c), 173.27(b)(2), 175.30(a)(1), 175.75.	To modify the special permit to authorize additional hazmat and to clarify certain hazard communications, quantity limitations and loading and stowage requirements. (Rotorcraft External Load Operations).
16081–M	Cabela's LLC	178.602(a)	To modify the special permit to authorize additional hazardous materials. (modes 1, 2, 3, 4).
16095–M	Clay and Bailey Manufacturing Company.	172.203(a), 178.345–1, 180.413.	To modify the special permit to authorize new gaskets and testing procedures for manway production. (mode 1).
20524–M	Wilhelm Schmidt Gmbh	172.102(c)(4), 178.705(c)(2)(ii)	To modify the special permit to authorize an additional 6.1 hazmat. (modes 1, 2, 3).
20851–M	Call2Recycle, Inc	172.200, 172.600, 172.700(a)	To modify the special permit to authorize an additional outer packaging and to remove the 800 Wh aggregate energy content for a single package. (mode 1).
20904–M	Piston Automotive, LLC	172.101(j)	To modify the special permit to authorize batteries that do not differ from the approved types in the permit even if they have a different part number. (mode 4).

[FR Doc. 2019–26649 Filed 12–10–19; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before January 10, 2020.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 5, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
		SPECIAL PERMITS DATA	
20970–N	Union Tank Car Company	172.203(a), 172.302(c), 173.247(a).	To authorize the transportation in commerce of DOT 117 tank cars containing elevated temperature materials. (mode 2).
20971–N	Pro-dex, Inc	172.102(c)(2)	To authorize the transportation in commerce of lithium ion batteries at a state of charge greater than 30 percent by air. (mode 4).
20972–N	Distributor Operations, Inc	173.159(e)(1)	To authorize the transportation in commerce of electric storage batteries under the exception in 173.159(e) when other hazardous materials are present on the vehicle. (mode 1).
20973–N	Olin Winchester Llc	172.203(a), 173.63(b)(2)(v)	To authorize the transportation in commerce of 22 caliber (or less) rim-fire cartridges packaged loose in strong outer packagings. (modes 1, 2, 3, 4, 5).
20974–N	Psc Custom Lp	172.101(i), 173.302	To authorize the transportation in commerce of methane gas in MC 331 specification cargo tanks. (mode 1).
20975–N	Csl Behring L.l.c	173.197	To authorize the transportation in commerce of regulated medical waste in UN 11G packaging. (mode 1).
20978–N	Airopack B.v		To authorize the transportation in commerce of receptacles manufactured under SP–20673 as not subject to the HMR when charged with no more than 55 ml of compressed air for the purpose of expelling a liquid, paste, or powder. (modes 1, 2, 3, 4, 5).
20979–N	Northrop Grumman Innovation Systems, Inc.		To authorize the transportation in commerce of hazardous materials over 422 feet of public roadways without being subject to the HMR. (mode 1).
20981–N	Republic Helicopters, Inc	172.200, 172.300, 172.400, 173.27, 175.30, 175.33.	To authorize the transportation in commerce of refrigerating units via rotocraft external loads. (mode 4).
20982–N	Ford Motor Company	172.101(j)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg aboard cargo-only aircraft. (mode 4).
20983–N	Roth Global Plastics Inc	173.302a(a)(1)	To authorize the transportation in commerce of Division 2.2 materials in non-DOT specification cylinders (accumulators). (modes 1, 2, 3, 4).
20984–N	Midway Arms, Inc	172.315(a)(2)	To authorize the transportation in commerce of packages containing limited quantities of hazardous materials that are marked with a reduced sized limited quantity marking. (modes 1, 2, 3).

[FR Doc. 2019–26648 Filed 12–10–19; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before January 10, 2020.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.* Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 05, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA—GRANTED			
14661–M	Fiba Technologies, Inc	180.209(a), 180.209(b)(1)(i), 180.209(b)(1)(v).	To modify the special permit to add an additional hazmat and to incorporate non-DOT specification cylinders made under special permit into the permit.
15238–M	Reeder Flying Service, Inc	172.101(j), 172.200, 172.204(c)(3), 172.301(c), 173.27(b)(2), 175.30(a)(1), 175.75.	To modify the special permit to authorize additional Class 9 hazmat to be transported.
15552–M	Poly-coat Systems, Inc	107.503(b), 107.503(c), 173.241, 173.242, 173.243, 172.203(a).	To modify the special permit to remove the requirement that the special permit number be shown on a shipping paper.
15985–M	Space Exploration Technologies Corp.	172.300, 172.400	To modify the special permit to increase the allowable state of charge of the batteries.
16563–M	Call2Recycle, Inc	172.200, 172.300, 172.400, 172.600, 172.700(a), 173.185(f).	To modify the special permit to authorize an additional packaging for transporting the authorized hazmat.
20584–M	Battery Solutions, Llc	173.185(f)(3), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3), 173.185(f).	To modify the special permit to authorize the use of thermally insulating fire suppressant material in a sufficient quantity and manner that will suppress lithium battery fires, heat and smoke and absorbs the smoke, gases and flammable vapors and electrolytes during a thermal runaway incident.
20928–N	Catalytic Innovations, Llc	172.102(c), 172.200, 172.300, 172.400, 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To authorizes the manufacture, marking, sale and use of non-DOT specification fiberboard boxes for the transportation in commerce of certain batteries without shipping papers, marking of the proper shipping name and identification number or labeling, when transported for recycling or disposal.
20930–N	EMD Performance Materials Corp.	180.209	To authorize the transportation in commerce of certain DOT 4B cylinders used for certain liquids and solids that are retested every 10 years instead of 5.
20938–N	Worldvu Development, LLC	172.101(j), 173.301(f), 173.302a(a)(1), 173.304a(a)(1).	To authorize the transportation in commerce of spacecraft containing hazardous materials in non-specification packaging.
20940–N	Orbital Sciences Corporation	172.101(j), 173.185(a)	To authorize the transportation in commerce of low production runs of large lithium ion batteries that have not completed the test requirements in accordance with Sub-Section 38.3 of the United Nations (UN) Manual of Tests and Criteria and that exceed the 35 kg limit for transportation by cargo aircraft.
20941–N	Air Sea Containers, Inc	173.185(b)(5)	To authorize the transportation in commerce of lithium ion batteries in non-specification packaging.
20948–N	Kocsis Technologies, Inc	173.302(a)	To authorize the transportation in commerce of certain steel hydraulic accumulators containing compressed nitrogen, a Division 2.2 material.
20959–N	Department of Defense US Army Military Surface Deployment & Distribution Command.	173.185(a)	To authorize the transportation of prototype and low production lithium cells and batteries in non-specification packaging (spacecraft).

[FR Doc. 2019–26650 Filed 12–10–19; 8:45 am]
BILLING CODE 4909–60–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing the names of one or more persons that have been removed from the SDN List. Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for effective date(s).

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On December 5, 2019, OFAC determined that the property and

interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. ALVARES, Carlos, Moscow, Russia; DOB 18 May 1971; POB Spain; Gender Male; National ID No. AV176942 (Spain) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of Executive Order 13694 of April 1, 2015, ''Blocking Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities,'' as amended by Executive Order 13757 of December 28, 2016, ''Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,'' (E.O. 13694, as amended), for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

2. BASHLIKOV, Aleksei, Moscow, Russia; DOB 18 Mar 1988; POB Russia; Gender Male; Passport 4509592875 (Russia) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

3. BURKHONOVA, Gulsara, Moscow, Russia; DOB 06 Apr 1977; POB Russia; alt. POB Tajikistan; Gender Female; Passport 9707561379 (Russia) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

4. GUBERMAN, David, Moscow, Russia; DOB 01 Mar 1971; POB Ukraine; Gender Male; National ID No. 7201105 (Israel) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

5. MANIDIS, Georgios, Moscow, Russia; DOB 23 Aug 1971; Gender Male; National ID No. AV2752462 (Greece) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

6. SAFAROV, Azamat, Moscow, Russia; DOB 26 Mar 1990; POB Uzbekistan; Gender Male; National ID No. CE2236830 (Uzbekistan) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

7. SHEVCHUK, Tatiana, Moscow, Russia; DOB 08 Jan 1970; Gender Female; National ID No. BB299742 (Ukraine) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

8. ZAMULKO, Ruslan, Moscow, Russia; DOB 25 Jun 1970; POB Ukraine; Gender Male; National ID No. HB698865 (Ukraine) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

9. GUSEV, Denis Igorevich (Cyrillic: ГУСЕВ, ДЕНИС ИГОРЕВИЧ) (a.k.a. GOTMAN, David; a.k.a. POMOJAC, Marin), Moscow, Russia; DOB 10 Jun 1986; alt. DOB 08 Jul 1977; alt. DOB 07 Oct 1987; POB Moscow, Russia; alt. POB Ceadir-Lunga, Moldova; citizen Russia; Gender Male; Passport 717386212 (Russia); alt. Passport A1167292 (Moldova); alt. Passport 1213007 (Israel) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

10. PLOTNITSKIY, Andrey (a.k.a. KOVALSKIY, Andrey Vechislavovich; a.k.a. STREL, Andrey), Moscow, Russia; DOB 25 Jul 1989; Gender Male (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

11. SLOBODSKOY, Dmitriy Alekseyevich, Russia; DOB 28 Jul 1988; Gender Male; Passport 721007353 (Russia) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

12. SLOBODSKOY, Kirill Alekseyevich, Moscow, Russia; DOB 26 Feb 1987; POB Moscow, Russia; nationality Russia; Gender Male; Passport 721025114 (Russia); National ID No. 4508818947 (Russia) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

13. SMIRNOV, Dmitriy Konstantinovich, Moscow, Russia; DOB 10 Nov 1987; citizen Russia; Gender Male (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

14. TUCHKOV, Ivan Dmitriyevich, Russia; DOB 27 Nov 1986; POB Moscow, Russia; Gender Male; Passport 45092006504 (Russia); alt. Passport 753931329 (Russia); VisaNumberID 525867504 (France) (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

15. TURASHEV, Igor Olegovich (a.k.a. ''ENKI''; a.k.a. ''NINTUTU''), Russia; DOB 15 Jun 1981; Gender Male (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

16. YAKUBETS, Maksim Viktorovich (a.k.a. ''AQUA''), Moscow, Russia; DOB 20 May 1987; POB Polonnoye, Khmelnitskaya Oblast, Ukraine; citizen Russia; Gender Male; Passport 4509135586 (Russia) (individual) [CYBER2] (Linked To: EVIL CORP; Linked To: FEDERAL SECURITY SERVICE).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

17. YAKUBETS, Artem Viktorovich, Moscow, Russia; DOB 17 Jan 1986; POB Polonnoye, Khmelnitskaya Oblast, Ukraine; citizen Russia; Gender Male (individual) [CYBER2] (Linked To: EVIL CORP).

Designated pursuant to section 1(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial material or technological support for, or goods or services to or in support of, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, EVIL CORP, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Entities

1. EVIL CORP (a.k.a. DRIDEX GANG), Moscow, Russia; Moldova [CYBER2].

Designated pursuant to section 1(ii)(D) of E.O. 13694, as amended, for being responsible for or complicit in, or to have engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or substantial part, outside of the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

2. BIZNES–STOLITSA, OOO (Cyrillic: ООО БИЗНЕС-СТОЛИЦА) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU BIZNES–STOLITSA), d. 14 korp. 1 pom. Khll/kom. 1, ul., Sokolovo-Meshcherskaya Moscow, Moscow 125466, Russia; D–U–N–S Number 50–722–4994; Tax ID No. 7733904024 (Russia); Government Gazette Number 40335667 (Russia); Registration Number 5147746417682 (Russia) [CYBER2] (Linked To: GUSEV, Denis Igorevich).

Designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for being owned or controlled by DENIS IGOREVICH GUSEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

3. OPTIMA, OOO (Cyrillic: ООО ОПТИМА) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU OPTIMA), d. 2 korp. 2 pom. 1, ul., Kominterna Moscow, Moscow 129344, Russia; D–U–N–S Number 50–579–8144; Tax ID No. 7716740680 (Russia); Government Gazette Number 17325717 (Russia); Registration Number 1137746232260 (Russia) [CYBER2] (Linked To: GUSEV, Denis Igorevich).

Designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for being owned or controlled by DENIS IGOREVICH GUSEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

4. TREID–INVEST, OOO (Cyrillic: ООО ТРЕЙД-ИНВЕСТ) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU TREID–INVEST), 11/2, ul., Sadovaya-Chernogryazskaya Moscow, Moscow

105064, Russia; D–U–N–S Number 50–722–5114; Tax ID No. 7701416320 (Russia); Government Gazette Number 40214946 (Russia); Registration Number 5147746418782 (Russia) [CYBER2] (Linked To: GUSEV, Denis Igorevich).

Designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for being owned or controlled by DENIS IGOREVICH GUSEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

5. TSAO, OOO (Cyrillic: ООО ЦАО) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU TSENTR AVTOOBSLUZHIVANIYA), 9, per., Omski Kurgan, Kurganskaya Oblast 640000, Russia; D–U–N–S Number 68–215–4722; Tax ID No. 4501122896 (Russia); Government Gazette Number 78739479 (Russia); Registration Number 1064501172394 (Russia) [CYBER2] (Linked To: GUSEV, Denis Igorevich).

Designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for being owned or controlled by DENIS IGOREVICH GUSEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

6. VERTIKAL, OOO (Cyrillic: ООО ВЕРТИКАЛЬ) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU VERTIKAL), d. 102/1, ul. Beregovaya Kogalym, Khanty-Mansiski, Avtonomny Okrug—Yugra Okr. 628482, Russia; D–U–N–S Number 50–630–4726; Tax ID No. 8608056026 (Russia); Government Gazette Number 26149774 (Russia); Registration Number 1138608000189 (Russia) [CYBER2] (Linked To: GUSEV, Denis Igorevich).

Designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for being owned or controlled by DENIS IGOREVICH GUSEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

7. YUNIKOM, OOO (Cyrillic: ООО ЮНИКОМ) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU YUNIKOM), d. 18, ul. Tsentralnaya Kogalym, Khanty-Mansiski, Avtonomny Okrug—Yugra Okr. 628483, Russia; D–U–N–S Number 68–321–9795; Tax ID No. 8608052180 (Russia); Government Gazette Number 97396163 (Russia); Registration Number 1068608008204 (Russia) [CYBER2] (Linked To: GUSEV, Denis Igorevich).

Designated pursuant to section 1(iii)(C) of E.O. 13694, as amended, for being owned or controlled by DENIS IGOREVICH GUSEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

On December 5, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are unblocked, and removed this person from the SDN List.

Individual

1. AMHAZ, Issam Mohamad (a.k.a. AMHAZ, 'Isam; a.k.a. AMHAZ, Issam Mohamed), Ghadir, 5th Floor, Safarat, Bir Hassan, Jenah, Lebanon; Issam Mohamad Amhaz Property, Ambassades (Safarate), Bir Hassan Area, Ghobeiri, Baabda, Lebanon; DOB 04 Mar 1967; POB Baalbek, Lebanon; nationality Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Passport RL0000199 (Lebanon); Identification Number 61 Nabha; Chairman, Stars Group Holding; General Manager, Teleserveplus (individual) [SDGT].

Dated: December 5, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–26612 Filed 12–10–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

United States Mint

Citizens Coinage Advisory Committee; Request for Applications

ACTION: Request for Citizens Coinage Advisory Committee membership applications.

SUMMARY: The United States Mint is accepting applications for membership to the Citizens Coinage Advisory Committee (CCAC) for a new member specially qualified to serve on the CCAC by virtue of his or her education, training, or experience in *numismatics.*

FOR FURTHER INFORMATION CONTACT: Jennifer Warren, United States Mint Liaison to the CCAC; 801 Ninth Street NW; Washington, DC 20220, or call 202–354–7200.

SUPPLEMENTARY INFORMATION: Pursuant to United States Code, Title 31, section 5135(b), the United States Mint is accepting applications for membership to the Citizens Coinage Advisory Committee (CCAC) for a new member specially qualified to serve on the CCAC by virtue of his or her education, training, or experience in *numismatics.* The CCAC was established to:

- Advise the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals produced by the United States Mint.
- Advise the Secretary of the Treasury with regard to the events, persons, or places that the CCAC recommends to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Make recommendations with respect to the mintage level for any commemorative coin recommended.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

- One person specially qualified by virtue of his or her education, training, or experience as nationally or internationally recognized curator in the United States of a numismatic collection;
- One person specially qualified by virtue of his or her experience in the medallic arts or sculpture;
- One person specially qualified by virtue of his or her education, training, or experience in American history;
- One person specially qualified by virtue of his or her education, training, or experience in numismatics;
- Three persons who can represent the interests of the general public in the coinage of the United States; and
- Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the U.S. House and Senate leadership.

Members are appointed for a term of four years. No individual may be appointed to the CCAC while serving as an officer or employee of the Federal Government.

The CCAC is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public and are held approximately six to eight times per year. The United States Mint is responsible for providing the necessary support, technical services, and advice to the CCAC. CCAC members are not paid for their time or services, but, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend meetings. Members are Special Government Employees and are subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2653).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment consideration. Candidates should include specific skills, abilities, talents, and credentials to support their applications. The

United States Mint is also interested in candidates who have demonstrated leadership skills, have received recognition by their peers in their field of interest, have a record of participation in public service or activities, and are willing to commit the time and effort to participate in the CCAC meetings and related activities.

Application Deadline: December 31, 2019.

Receipt of Applications: Any member of the public wishing to be considered for participation on the CCAC should submit a resume and cover letter describing his or her reasons for seeking and qualifications for membership, by email to *info@ccac.gov,* by fax to 202–756–6525, or by mail to the United States Mint, 801 9th Street NW, Washington, DC 20220, Attn: Jennifer Warren. Submissions must be postmarked no later than Tuesday, December 31, 2019.

Notice Concerning Delivery of First-Class and Priority Mail: First-class mail to the United States Mint is put through an irradiation process to protect against biological contamination. Support materials put through this process may suffer irreversible damage. We encourage you to consider using alternate delivery services, especially when sending time-sensitive material.

Dated: December 5, 2019.

David J. Ryder,

Director, United States Mint.

[FR Doc. 2019–26561 Filed 12–10–19; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

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Part II

Department of Education

34 CFR Parts 674, 675, 676, et al.
Federal Perkins Loan Program, Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, Teacher Education Assistance for College and Higher Education Grant Program, Federal Pell Grant Program, Leveraging Educational Assistance Partnership Program, and Gaining Early Awareness and Readiness for Undergraduate Programs; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, 676, 682, 685, 686, 690, 692, and 694

[Docket ID ED–2019–OPE–0081]

RIN 1840–AD40, 1840–AD44

Federal Perkins Loan Program, Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, Teacher Education Assistance for College and Higher Education Grant Program, Federal Pell Grant Program, Leveraging Educational Assistance Partnership Program, and Gaining Early Awareness and Readiness for Undergraduate Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to the United States Supreme Court decision in *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* and the United States Attorney General's October 7, 2017 Memorandum on Federal Law Protections for Religious Liberty pursuant to Executive Order No. 13798, the Department of Education (Department) proposes revising the current regulations regarding the eligibility of faith-based entities to participate in the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), and the eligibility of students to obtain certain benefits under those programs. The Secretary is also proposing to simplify the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program requirements to minimize the number of TEACH Grants that are converted to Federal Direct Unsubsidized Loans, and to update, strengthen, and clarify other areas of the TEACH Grant Program regulations.

DATES: We must receive your comments on or before January 10, 2020.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. *Please do not submit the PDF in a scanned format.* Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the proposed regulations, address them to Mr. Jean-Didier Gaina, U.S. Department of Education, 400 Maryland Ave. SW, Mail Stop 294–20, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

For information related to faith-based issues, contact Lynn Mahaffie at (202) 453–7862 or by email at *Lynn.Mahaffie@ed.gov.*

For information related to the TEACH Grant Program, contact Sophia McArdle at (202) 453–6318 or by email at *Sophia.McArdle@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of This Regulatory Action

In response to the Supreme Court's decision in *Trinity Lutheran Church of Columbia, Inc.* v. *Comer* (137 S. Ct. 2012 (2017)), Executive Order Number 13798 (Exec. Order No. 13798 section 4, 82 FR 21675 (May 4, 2017)), and the Attorney General's October 6, 2017 Memorandum (U.S. Att'y Gen. Memorandum on Federal Law Protections for Religious Liberty (October 6, 2017, *https://www.justice.gov/opa/pressrelease/file/1001891/download*)), the Department engaged in a full review of its regulations related to title IV, HEA programs in order to identify provisions that may discriminate against otherwise eligible students and faith-based entities by disqualifying them from title IV, HEA programs due to their religious beliefs in violation of the Free Exercise Clause of the First Amendment to the United States Constitution. To ensure that students and faith-based entities are not discriminated against due to their religious beliefs, the Department proposes to:

- Ensure that members of religious orders are not denied access to title IV funding or benefits under the title IV programs, including the Federal Pell Grant Program, the Federal Perkins Loan Program, the Federal Work-Study Program (FWSP), the Federal Supplemental Educational Opportunity Grant (FSEOG) Program, the Federal Family Education Loan (FFEL) Program, and the William D. Ford Federal Direct Loan (Direct Loan) Program.
- Under certain circumstances, allow borrowers working as full-time volunteers to defer repayment of Federal Perkins Loans, National Defense Student Loans (NDSLs), and FFELs if those borrowers also engage in giving religious instruction, conducting worship services, engaging in religious proselytizing, or engaging in fundraising to support religious activities as part of their assigned volunteer duties.
- Provide an interpretation of the Public Service Loan Forgiveness (PSLF) regulations that permit borrowers who work for employers that engage in religious instruction, worship services, or proselytizing to qualify for PSLF so long as they meet the applicable standard for full-time employment when those religious activities are excluded from their work hours.
- Eliminate arbitrary limitations on the ability of private secondary and postsecondary faith-based educational institutions to participate in the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).

In addition, during its review, the Department discovered language that is inconsistent with the statute in both the Leveraging Educational Assistance Partnership Program (LEAP) and FWSP regulations. The provisions in both programs relate to allowable employment-related activities for program participants. In these cases, the Department proposes to include the statutory language in the regulations.

These proposed regulations would also make changes to the TEACH Grant Program requirements. In exchange for receiving a TEACH Grant, a grant

recipient must agree to complete a teaching service obligation and must regularly provide documentation of his or her progress toward satisfying the service obligation. If a grant recipient fails to complete the service obligation or does not meet requirements for documenting the service obligation, the TEACH Grants that the individual received are converted to a Direct Unsubsidized Loan that must be repaid, with interest charged from the date of each TEACH Grant disbursement. The proposed regulations would simplify program requirements to make it easier for TEACH Grant recipients to document their progress toward satisfying the service obligation, thereby reducing the number of TEACH Grants that are converted to Direct Unsubsidized Loans. The proposed regulations would also establish a process for a TEACH Grant recipient to request reconsideration of the conversion of the grant to a loan if the recipient believes that his or her TEACH Grant was converted to a loan in error, expand and strengthen counseling requirements for TEACH Grant recipients, expand the conditions under which a TEACH Grant recipient may receive a temporary suspension of the period for completing the teaching service obligation, and strengthen, update, and clarify other areas of the TEACH Grant Program regulations.

Summary of the Major Provisions of This Regulatory Action

To restore religious liberty to faith-based institutions and religious students, we propose new regulations that would—

- Restore the ability of members of religious orders, who also are pursuing courses of study at institutions of higher education, to participate in the title IV, HEA programs by eliminating regulatory provisions that treat members of religious orders as having no financial need in certain circumstances.
- Allow certain borrowers, who serve as full-time volunteers in tax-exempt organizations and give religious instruction, conduct worship service, proselytize, or fundraise to support religious activities as part of their official duties, to defer repayment of Federal Perkins Loans, NDSLs, and FFELs.
- Provide an interpretation of the PSLF regulations, which permit borrowers who work for employers that engage in religious instruction, worship services, or proselytizing to qualify for PSLF so long as they meet the applicable standard for full-time employment when those religious activities are excluded from their work hours.
- Clarify requirements for private secondary and postsecondary faith-based institutions' participation in the GEAR UP program.
- Conform language in the LEAP and FWSP regulations regarding allowable program activities to statutory language.

For the TEACH Grant Program, we propose new regulations that would—

- Clarify that grant recipients may satisfy the TEACH Grant service obligation by teaching for an educational service agency that serves low-income students.
- Clarify the beginning date of the eight-year period for completing the TEACH Grant service obligation.
- Revise the definition of ''highly qualified.''
- Update and expand the conditions under which a TEACH Grant recipient may satisfy the TEACH Grant service obligation by teaching in a high-need field listed in the Department's annual Teacher Shortage Area Nationwide Listing (Nationwide List).
- Clarify the service obligation requirements for TEACH Grant recipients who withdraw from the institution where they received a TEACH Grant before completing the program for which they received the grant, then later re-enroll in the same program or in a different TEACH Grant eligible program at the same academic level.
- Expand the information that is provided to TEACH Grant recipients during initial, subsequent, and exit counseling, and add a new conversion counseling requirement for grant recipients whose TEACH Grants are converted to Direct Unsubsidized Loans.
- Add new conditions under which a TEACH Grant recipient may receive a temporary suspension of the eight-year period for completing the service obligation.
- Remove the current regulatory requirement for TEACH Grant recipients to certify, within 120 days of completing the program for which they received TEACH Grants, that they have begun qualifying teaching service, or that they have not yet begun teaching, but they intend to satisfy the service obligation.
- Simplify the regulations specifying the conditions under which TEACH Grants are converted to Direct Unsubsidized Loans so that for all grant recipients, loan conversion will occur only if the recipient asks the Secretary to convert his or her TEACH Grants to loans, or if the recipient fails to begin or maintain qualifying teaching service within a timeframe that would allow the recipient to satisfy the service obligation within the eight-year service obligation period.
- Specify that the Secretary will send grant recipients, at least annually, a notice containing detailed information about the TEACH Grant service obligation requirements, a summary of the grant recipient's progress toward satisfying the service obligation, and an explanation of the process by which a grant recipient whose TEACH Grants are converted to Direct Unsubsidized Loans may request reconsideration of the conversion if he or she believes that the grants were converted in error.
- Describe the actions that the Secretary will take if a grant recipient's request for reconsideration of the conversion of the grant to a loan is approved or denied.
- Specify that the Secretary will notify a grant recipient in advance of the date by which he or she will be subject to loan conversion for failure to begin or maintain qualifying teaching service within a timeframe that would allow the recipient to complete the service obligation within the eight-year service obligation period, and inform the recipient of the final date by which he or she must provide documentation of teaching service to avoid having his or her grants converted to loans.
- Incorporate statutory changes and update, simplify, and clarify various areas of the TEACH Grant Program regulations.

Please refer to the *Summary of Proposed Changes* section of this notice of proposed rulemaking (NPRM) for more details on the major provisions contained in this NPRM.

Costs and Benefits

As discussed in the *Regulatory Impact Analysis* section of this document, the Department does not estimate that these proposed regulations would result in any significant costs. Changes regarding faith-based institutions and religious students would have minimal impacts on financial aid costs to the Federal government, because these provisions will affect few students and borrowers. Changes regarding the PSLF program would similarly have minimal impact, as the consensus language largely aligns with historical Department practice. Changes regarding the GEAR UP program would have no estimated costs as participation in the Department's competitive grant programs is voluntary and the program currently serves small numbers of religiously affiliated schools. While changes to the TEACH Grant Program would likely improve the reporting and documentation process for recipients and increase the number of teaching positions in which TEACH

grant recipients could satisfy their service obligations, we do not estimate that the changes would result in a sizable increase in the number of grant recipients.

Invitation to Comment: We invite you to submit comments regarding these proposed regulations.

To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses, and provide relevant information and data whenever possible, even when there is no specific solicitation of data and other supporting materials in the request for comment. We also urge you to arrange your comments in the same order as the proposed regulations. Please do not submit comments that are outside the scope of the specific proposals in this NPRM, as we are not required to respond to such comments.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about the proposed regulations by accessing *Regulations.gov*. You may also inspect the comments in person at 400 Maryland Ave. SW, Washington, DC, between 8:30 a.m. and 4 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. To schedule a time to inspect comments, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed regulations. To schedule an appointment for this type of accommodation or auxiliary aid, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Background

The Secretary proposes to amend parts 674, 675, 676, 682, 685, 686, 690, 692, and 694 of title 34 of the Code of Federal Regulations (CFR). The regulations in 34 CFR part 674 pertain to the Federal Perkins Loan Program. The regulations in 34 CFR part 675 pertain to FWSP. The regulations in 34 CFR part 676 pertain to the FSEOG. The regulations in 34 CFR part 682 pertain to FFEL. The regulations in 34 CFR part 685 pertain to Direct Loans. The regulations in 34 CFR part 686 pertain to the TEACH Grant Program. The regulations in 34 CFR part 690 pertain to the Federal Pell Grant Program. The regulations in 34 CFR part 692 pertain to LEAP. The regulations in 34 CFR part 694 pertain to GEAR UP.

We are proposing these amendments to: (1) Ensure that students and faith-based organizations are not prevented from participating in title IV programs because of their religious views; (2) codify the statutory language about allowable forms of employment for both the FWSP and the LEAP program; (3) ensure that GEAR UP providers that serve students attending private schools are employed independently of the private school; (4) eliminate a redundant provision that prohibits the commingling of Federal and non-Federal funds used to provide services to GEAR UP students attending private institutions; and (5) eliminate the prohibition against pervasively sectarian institutions of higher education from serving as fiscal agents for GEAR UP grantees.

Throughout this NPRM, when the Department refers to a ''generally available benefit program,'' the Department is referring to programs that meet the Supreme Court's characterization of ''neutral and generally available benefit programs'' in *Trinity Lutheran*.[1]

In 2007, Congress established the TEACH Grant Program to help increase the number of teachers in high-need fields in low-income schools. The TEACH Grant Program provides up to $4,000 per year to undergraduate and graduate students enrolling in coursework to become a teacher. In exchange for receiving a TEACH Grant, a recipient must agree to teach in a high-need field such as reading, mathematics, or science, at a low-income school, for at least four years in an eight-year period and annually certify that he or she intends to meet this requirement. If a recipient does not meet the grant requirements or the annual certification requirements, the grant converts to a Federal Direct Unsubsidized Loan with interest charged from the date of each TEACH Grant disbursement.

A 2015 Government Accountability Office (GAO) report found that around 36,000 out of more than 112,000 TEACH Grant recipients had not fulfilled TEACH Grant requirements and had their grants converted to loans (GAO, 2015).[2] GAO's analysis also found that 2,252 TEACH Grants were improperly converted to loans as of September 2014. GAO concluded that due to the number of incorrectly converted grants, the Department should better understand the reasons teachers do not meet program requirements, and program management should be improved, especially with respect to the grant-to-loan conversion dispute process. These proposed regulations help to address GAO's concerns.

A 2018 study conducted for the Department by the American Institutes for Research (U.S. Department of Education, 2018)[3] found that as of June 2016, 63 percent of TEACH Grant recipients who started their eight-year service obligation period before July 2014 had their grants converted to unsubsidized loans because they did not meet the service obligation requirements or the annual certification requirements. More specifically, this study found that the factors associated with recipients not meeting the grant requirements included those related to the recipient's employment (including teaching in a position that did not qualify for TEACH Grant service (39 percent) and not working as a certified teacher (33 percent)), the recipient not understanding the service obligation requirements, and factors related to the recipient providing the annual certification (not providing the certification because the recipient did not know about the annual certification process (19 percent) and not providing the certification because the recipient experienced challenges related to the certification process (13 percent)).

To address the concerns raised by these studies, we are proposing amendments that we believe will reduce the number of TEACH Grants that are converted to Direct Unsubsidized Loans by simplifying the requirements for TEACH Grant recipients to show that they are meeting the service obligation requirements; ensure that TEACH Grant recipients are better informed of program requirements by expanding and strengthening counseling and notifications; make it easier for TEACH

[1] 137 S. Ct. 2012 (2017).

[2] Government Accountability Office. 2015. Higher Education: Better Management of Federal Grant and Loan Forgiveness Programs for Teachers Needed to Improve Participant Outcomes (GAO 15–314). Washington, DC: United States Government Accountability Office.

[3] U.S. Department of Education. (2018). Study of the Teacher Education Assistance for College and Higher Education (TEACH) Program.

Grant recipients to satisfy the service obligation by establishing additional conditions under which the period for completing the required teaching service may be temporarily suspended, and by expanding the options for satisfying the service obligation by teaching in a high-need field listed in the Department's Nationwide List; provide a process for TEACH Grant recipients to request reconsideration of the conversion of their TEACH Grant to a loan if they believe that the grant was converted to a loan in error; and update, simplify, and clarify various areas of the TEACH Grant regulations.

Public Participation

On July 31, 2018, we published a notice in the **Federal Register** (83 FR 36814) announcing our intent to establish a negotiated rulemaking committee under section 492 of the HEA to develop proposed regulations related to a number of higher education practices and issues, including (1) accreditation; (2) distance learning and educational innovation; (3) TEACH Grants; and (4) participation by faith-based educational entities. We also announced three public hearings at which interested parties could comment on the topics suggested by the Department and suggest additional topics for consideration for action by the negotiated rulemaking committee. Those hearings took place on September 6, 2018, in Washington, DC, on September 11, 2018, in New Orleans, Louisiana, and on September 13, 2018, in Sturtevant, Wisconsin. We invited parties to comment and submit topics for consideration in writing as well. Transcripts from the public hearings are available at: *www2.ed.gov/policy/highered/reg/hearulemaking/2018/index.html.*

Written comments submitted in response to the July 31, 2018 **Federal Register** notice may be viewed through the Federal eRulemaking Portal at *www.regulations.gov,* within docket ID ED–2018–OPE–0076. Instructions for finding comments are also available on the site under ''How to Use *Regulations.gov*'' in the ''Help'' section.

Negotiated Rulemaking

Section 492 of the HEA, 20 U.S.C. 1098a, requires the Secretary to obtain public involvement in the development of proposed regulations affecting programs authorized by title IV of the HEA. After obtaining extensive input and recommendations from the public, including individuals and representatives of groups involved in the title IV, HEA programs, the Secretary in most cases must subject the proposed regulations to a negotiated rulemaking process. If negotiators reach consensus on the proposed regulations, the Department agrees to publish without alteration a defined group of regulations on which the negotiators reached consensus unless the Secretary reopens the process or provides a written explanation to the participants stating why the Secretary has decided to depart from the agreement reached during negotiations. Further information on the negotiated rulemaking process can be found at: *www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html.*

On October 15, 2018, the Department published a notice in the **Federal Register** (83 FR 51906) announcing its intention to establish a negotiated rulemaking committee—the Accreditation and Innovation Committee—to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the HEA. The notice set forth a schedule for the committee meetings and requested nominations for individual negotiators to serve on the negotiating committee. We also announced the creation of three subcommittees—the Distance Learning and Educational Innovation Subcommittee, Faith-Based Entities Subcommittee, and the TEACH Grants Subcommittee—and requested nominations for individuals with pertinent expertise to participate on the subcommittees.

The Department sought negotiators to represent the following groups for the Accreditation and Innovation Committee: Students; legal assistance organizations that represent students; financial aid administrators at postsecondary institutions; national accreditation agencies; regional accreditation agencies; programmatic accreditation agencies; institutions of higher education primarily offering distance education; institutions of higher education eligible to receive Federal assistance under title III, parts A, B and F, and title V of the HEA, which include Historically Black Colleges and Universities (HBCUs), Hispanic-Serving Institutions (HSIs), American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA; two-year public institutions of higher education; four-year public institutions of higher education; faith-based institutions of higher education; private, nonprofit institutions of higher education; private, proprietary institutions of higher education; employers; and veterans.

The Department sought individuals to represent the following groups for the Faith-Based Entities Subcommittee: Students; faith-based entities eligible for title IV, HEA programs; officers of institution-based GEAR UP grantees; institutions of higher education with knowledge of faith-based entities' participation in the title IV, HEA programs; institutions of higher education with knowledge of faith-based entities' participation in the title IV, HEA programs that also are eligible to receive Federal financial assistance under title III, parts A, B, and F, and title V of the HEA, which include HBCUs, HSIs, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, Predominantly Black Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA; accrediting agencies; associations or organizations that focus on issues related to faith-based entities or the participation of faith-based entities in Federal programs; and financial aid administrators at postsecondary institutions.

The Department sought individuals with expertise in teacher education programs, student financial aid, and high-need teacher education programs to serve as members of the TEACH Grant Subcommittee: Students who are or have been TEACH Grant recipients; legal assistance organizations that represent students; financial aid administrators at postsecondary institutions; State primary and secondary education executive officers; institutions of higher education that award or have awarded TEACH grants and that are eligible to receive Federal assistance under title III, parts A, B, and F, and title V of the HEA, which include HBCUs, HSIs, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, Predominantly Black Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA; two-year institutions of higher education that award or have awarded TEACH grants; four-year institutions of higher education that award or have awarded TEACH grants; organizations or associations that represent the interests of students who participate in title IV programs; and organizations or associations that represent financial aid administrators.

The Accreditation and Innovation negotiating committee included the following members:

Susan Hurst, Ouachita Baptist University, and Karen McCarthy (alternate), National Association of Student Financial Aid Administrators, representing financial aid administrators at postsecondary institutions.

Robyn Smith, Legal Aid Foundation of Los Angeles, and Lea Wroblewski (alternate), Legal Aid of Nebraska, representing legal assistance organizations that represent students.

Ernest McNealey, Allen University, and Erin Hill Hart (alternate), North Carolina A & T State University, representing institutions of higher education that award or have awarded TEACH grants and that are eligible to receive Federal assistance under title III, parts A, B, and F, and title V of the HEA, which include HBCUs, HSIs, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, Predominantly Black Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA.

David Dannenberg, University of Alaska, Anchorage, and Tina Falkner (alternate), University of Minnesota, representing four-year public institutions of higher education.

Terry Hartle, American Council on Education, and Ashley Ann Reich (alternate), Liberty University, representing private, nonprofit institutions of higher education.

Jillian Klein, Strategic Education, Inc., and Fabian Fernandez (alternate), Schiller International University, representing private, proprietary institutions of higher education.

William Pena, Southern New Hampshire University, and M. Kimberly Rupert (alternate), Spring Arbor University, representing institutions of higher education primarily offering distance education.

Christina Amato, Sinclair College, and Daniel Phelan (alternate), Jackson College, representing two-year public institutions of higher education.

Barbara Gellman-Danley, Higher Learning Commission, and Elizabeth Sibolski (alternate), Middle States Commission on Higher Education, representing regional accreditation agencies.

Laura King, Council on Education for Public Health, and Janice Knebl (alternate), American Osteopathic Association Commission on Osteopathic College Accreditation, representing programmatic accreditation agencies.

Michale S. McComis, Accrediting Commission of Career Schools and Colleges, and India Y. Tips (alternate), Accrediting Bureau of Health Education Schools, representing national accreditation agencies.

Steven M. Sandberg, Brigham Young University, and David Altshuler (alternate), San Francisco Theological Seminary, representing faith-based institutions of higher education.

Joseph Verardo, National Association of Graduate-Professional Students, and John Castellaw (alternate), University of Arizona, representing students.

Edgar McCulloch, IBM Corporation, and Shaun T. Kelleher (alternate), BAM Technologies, representing employers.

Daniel Elkins, Enlisted Association of the National Guard of the U.S., and Elizabeth Bejar (alternate), Florida International University, representing veterans.

Annmarie Weisman, U.S. Department of Education, representing the Department.

The Faith-Based Entities Subcommittee included the following members:

Gregory Bruner, Olivet Nazarene University, representing financial aid administrators at postsecondary institutions.

Andrew Bramson, College Crusade of Rhode Island, representing officers of institution-based GEAR UP grantees.

Emmanual Guillory, United Negro College Fund, Inc., representing institutions of higher education eligible to receive Federal assistance under title III, parts A, B, F, and title V of the HEA, which include HBCUs, HSIs, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA.

Stephen Eck, Oklahoma Christian University, representing faith-based entities eligible for title IV, HEA programs.

Thomas Dunne, Fordham University, representing institutions of higher education with knowledge of faith-based entities' participation in the title IV, HEA programs.

William Hathaway, Regent University, representing accrediting agencies.

Richard Katskee, Americans United for Separation of Church and State, and Kimberlee Wood Colby, Center for Law and Religious Freedom, representing associations or organizations that focus on issues related to faith-based entities or the participation of faith-based entities in Federal programs.

Haven Herrin, Soulforce, representing students.

Lynn Mahaffie, U.S. Department of Education.

The TEACH Grants Subcommittee included the following members:

Debbi Braswell, Belhaven University, and Stephen Payne, National Association of Student Financial Aid Administrators, representing financial aid administrators at postsecondary institutions.

Kyra Taylor, Legal Services Center at Harvard Law School, representing legal assistance organizations that represent students.

Willis W. Walter, Virginia State University, representing institutions of higher education that award or have awarded TEACH Grants and that are eligible to receive Federal assistance under title III, parts A, B, and F, and title V of the HEA, which includes HBCUs, HSIs, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA.

Alyssa Dobson, Slippery Rock University, and David T. Cantaffa, State University of New York, representing four-year institutions of higher education that award or have awarded TEACH Grants.

Deborah Koolbeck, American Association of Colleges for Teacher Education, representing organizations or associations that represent the interests of students who participate in the title IV programs.

Sophia McArdle, U.S. Department of Education.

The negotiated rulemaking committee met to develop proposed regulations on January 14–16, 2019; February 19–22, 2019; March 25–28, 2019; and April 1–3, 2019.

At the first meeting of the Committee, the Department received a petition for membership from David Tandberg, Vice President of Policy Research and Strategic Initiatives at the State Higher Education Executive Officers Association, to represent State higher education executive officers. The negotiated rulemaking committee voted to include Dr. Tandberg on the full committee.

During its first meeting, the negotiating committee also reached agreement on its protocols and proposed agenda. The protocols provided, among other things, that the committee would operate by consensus. Consensus means that there must be no dissent by any member for the committee to have reached agreement. Under the protocols, the Department would use the consensus-based language in its proposed regulations for each bucket, as described in more detail below, on which final consensus was achieved. Furthermore, the Department would not substantively alter the consensus-based language of its proposed regulations unless the Department reopened the negotiated rulemaking process or provided a written explanation to the committee members regarding why it decided to depart from that language.

During the first meeting, the negotiating committee agreed to negotiate an agenda of issues related to accreditation and student financial aid. Under the protocols, the issues were placed into three ''buckets'' upon which a final consensus would have to include consensus on all issues within that bucket. The first bucket included issues related to accreditation in 34 CFR parts 600, 602, 603, and 668, as well as the Robert C. Byrd Scholarship Program in 34 CFR part 654. The second bucket included issues related to the TEACH Grant Program in 34 CFR part 686 and the treatment of faith-based entities in student aid and grant programs in 34 CFR parts 674, 675, 676, 682, 685, 690, 692, and 694. The third bucket included issues related to distance learning and educational innovation in 34 CFR parts 600 and 668. The committee reached consensus on each of the three buckets.

The Department plans to issue separate NPRMs and final regulations for each bucket of issues. This NPRM addresses issues related to the treatment of faith-based entities and TEACH

Grants. During the committee meetings, the Department explained that it would consider early implementation of the provisions of the final TEACH grant regulations in order to reduce the number of conversions of grants to loans by simplifying program requirements.

During committee meetings, the committee reviewed and discussed the Department's drafts of regulatory language and the committee members' alternative language and suggestions. At the final meeting on April 3, 2019, the committee reached consensus on regulatory language. For this reason, and according to the committee's protocols, committee members and the organizations that they represent have agreed to refrain from commenting negatively on the consensus-based regulatory language. For more information on the negotiated rulemaking sessions, please visit: *https://www2.ed.gov/policy/highered/reg/hearulemaking/2018/index.html.*

Summary of Proposed Changes

With respect to issues discussed by the Faith-Based Subcommittee, the proposed regulations would—

- Amend §§ 674.9, 675.9, 676.9, 682.301, 685.200, and 690.75 by removing language that presumes that a member of a religious order has no financial need when determining eligibility for the Pell Grant Program, the Federal Perkins Loan Program, the FWSP, the FSEOG Program, the FFEL Program, and the Direct Loan Program, respectively.
- Delete language in §§ 674.35, 674.36, and 682.210 that would prohibit borrowers with Federal Perkins Loans made before July 1, 1993, NDSLs made on or after October 1, 1980, but before July 1, 1993, or FFELs made before July 1, 1993, from obtaining deferment of their loans during periods of otherwise eligible full-time volunteer work that includes providing religious instruction, conducting religious services, proselytizing, or engaging in fundraising to support religious activities.
- Amend §§ 675.20 and 692.30 to conform regulatory provisions in the FWSP and LEAP Program to statutory provisions that prohibit work study employment from involving the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.
- Amend § 685.219 by deleting provisions that would exclude borrowers who are otherwise eligible for PSLF from receiving forgiveness, because they are working for organizations engaged in activities relating to religious instruction, worship services, or proselytizing.
- Modify § 694.6(b) by replacing language related to the provision of GEAR UP services and providers at private religious schools with language requiring that providers of GEAR UP services be employed or contracted independently of a private school and its affiliated organizations. The Department proposes to delete the word ''religious'' before the word ''organization'' to clarify that employment must be independent of organizations affiliated with the school, regardless of whether those organizations are religious in nature.
- Delete § 694.6(c), which prohibits the commingling of Federal and non-Federal funds used to provide GEAR UP services to students attending private schools.
- Amend § 694.10 to delete language indicating that the fiscal agent of a GEAR UP grant may not be pervasively sectarian.

For the TEACH Grant Program, the proposed regulations would—

- Where needed throughout the regulations, add references to educational service agencies, replace ''agreement to serve'' with ''agreement to serve or repay,'' and revise the references to Direct Unsubsidized Loans for consistency with the terminology used in the Direct Loan Program regulations.
- Amend § 686.1 by expanding the information included in the description of the scope and purpose of the TEACH Grant Program.
- Revise § 686.2 by adding a cross-reference to the definition of ''Free Application for Federal Student Aid (FAFSA)'' in 34 CFR part 668, adding definitions of ''educational service agency'' and ''Teacher Shortage Area Nationwide Listing (Nationwide List),'' and revising the definitions of ''Agreement to serve,'' ''highly qualified,'' ''school serving low-income students (low-income school),'' and ''TEACH Grant-eligible program.''
- Modify §§ 686.10 and 686.11 by replacing references to submitting a TEACH Grant application with references to submitting the FAFSA and making additional conforming changes.
- Amend § 686.12 by (1) changing ''agreement to serve'' to ''agreement to serve or repay''; (2) expanding the description of the contents of the agreement to serve or repay; (3) clarifying the requirements for completion of more than one service obligation, and adding language to explain the service obligation requirements for grant recipients who withdraw from an institution prior to completing the program for which TEACH Grants were received and later re-enroll; and (4) updating the conditions under which a TEACH Grant recipient may satisfy the service obligation by teaching in a high-need field listed in the Department's Nationwide List.
- Make minor changes to § 686.21 to be more consistent with the corresponding statutory language.
- Amend § 686.32 by expanding and revising the information that TEACH Grant recipients receive during initial, subsequent, and exit counseling, and by adding a new conversion counseling requirement for grant recipients whose TEACH Grants are converted to Direct Unsubsidized Loans.
- Modify § 686.40 by (1) removing the requirement for grant recipients to confirm their status within 120 days of ceasing enrollment in a program for which they received a TEACH Grant; (2) eliminating the current rule stating that a grant recipient may not satisfy the service obligation by teaching in a geographic region of a State or in a specific grade level not associated with a high-need field that has been designated as a teacher shortage area in the Department's Nationwide List; and (3) adding a new circumstance under which teaching for less than a complete academic year may be counted as a full year of qualifying teaching service.
- Revise § 686.41 by adding new conditions under which a grant recipient may receive a temporary suspension of the period for completing the service obligation.
- Amend § 686.42 by updating the requirements and procedures for receiving a discharge of the TEACH Grant service obligation based on a total and permanent disability (TPD).
- Revise § 686.43 by (1) simplifying the rules for conversion of TEACH Grants to Direct Unsubsidized Loans to provide that for all grant recipients, conversion will occur only if the grant recipient requests conversion, or if the recipient fails to begin or maintain qualifying teaching service within a timeframe that would allow the recipient to complete the service obligation within the eight-year service obligation period; (2) adding language describing a notice that the Secretary will send to grant recipients at least annually to remind them of the service obligation requirements; (3) specifying that the Secretary will notify grant recipients in advance of the final date by which they must submit documentation of qualifying teaching service to avoid loan conversion; and (4) describing the information that the Secretary will provide to a grant

recipient whose grants are converted to loans, including information about the process by which a grant recipient may request reconsideration of the conversion.

Significant Proposed Regulations

We discuss substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address proposed regulatory provisions that are technical or otherwise minor in effect.

Faith-Based Significant Proposed Regulations

Student Eligibility (§ 674.9)

Statute: Parts E (§ 461, *et seq.*) and F (§ 471, *et seq.*) of the HEA govern the Federal Perkins Loan Program and need analysis, respectively.

Current Regulations: Section 674.9(c) provides that a member of a religious order pursuing a course of study in an institution of higher education has no financial need for purposes of the Federal Perkins Loan Program if the order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the member to pursue the course of study or provides subsistence support to its members.

Proposed Regulations: We propose to revise § 674.9(c) to remove the language that provides that a member of a religious order is considered to have no financial need.

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral toward religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[4] The Department determined that the current regulations may violate the Free Exercise Clause by categorically denying individuals from participation in generally available benefit programs, based on a person's religious views. The Department believes that otherwise eligible students should not be denied participation in title IV programs based solely on their membership in a religious order or the particular attributes of that order. It is not necessary and is in violation of the Free Exercise Clause to single out and exclude from participation in title IV programs individuals who are members of religious orders. Accordingly, the Department proposes to delete this provision.

Deferment of Repayment—Federal Perkins Loans Made Before July 1, 1993 (§ 674.35)

Statute: Parts E (§ 461, *et seq.*) and F (§ 471, *et seq.*) of the HEA govern the Federal Perkins Loan Program and need analysis, respectively.

Current Regulations: Section 674.35(c)(5)(iv) denies deferment of repayment for Federal Perkins loan borrowers working as volunteers if their volunteer duties include giving religious instruction, conducting worship services, proselytizing, or fundraising to support religious activities.

Proposed Regulations: We propose to delete § 674.35(c)(5)(iv).

Reasons: We believe that the current provision may violate the Free Exercise Clause of the First Amendment. Many religious organizations offer services such as providing food to impoverished people as part of their religious worship and outreach. Those organizations may not be able to separate the provision of secular and non-secular services, as they are intertwined in their faith and belief systems. Volunteers should be able to enjoy membership in a religious organization and obtain loan deferments (a generally available benefit). Accordingly, the Department proposes to delete this provision.

Deferment of Repayment—NDSLs Made on or After October 1, 1980, but Before July 1, 1993 (§ 674.36)

Statute: Section 464 of the HEA governs the terms of Perkins Loans.

Current Regulations: Section 674.36(c)(4)(iv) denies deferment of repayment for NDSL borrowers working as volunteers if their duties include giving religious instruction, conducting worship service, proselytizing, or fundraising to support religious activities.

Proposed Regulations: We propose to delete § 674.36(c)(4)(iv).

Reasons: We believe that the current regulation may violate the Free Exercise Clause of the First Amendment. Many religious organizations offer services such as providing food to impoverished people as part of their religious worship and outreach. Those organizations may not be able to separate the provision of secular and non-secular services, as they are intertwined in their faith and belief systems. Volunteers should be able to enjoy membership in a religious organization and obtain loan deferments (a generally available benefit). Accordingly, the Department proposes to delete this provision.

Student Eligibility (§ 675.9)

Statute: HEA part C (§ 441, *et seq.*) governs the FWSP and HEA part F (§ 471, *et seq.*) governs need analysis.

Current Regulations: Section 675.9(c) provides that a member of a religious order pursuing a course of study in an institution of higher education has no financial need for purposes of the FWSP if the order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the member to pursue the course of study or provides subsistence support to its members.

Proposed Regulations: We propose to revise § 675.9(c) to remove the language that provides that a member of a religious order is considered to have no financial need.

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral and generally applicable without regard to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[5] The Department determined that the current regulations may violate the Free Exercise Clause by categorically denying individuals from participation in neutral and generally available benefit programs based on their membership in a religious order. Other non-discriminatory methods exist for determining a student's cost of attendance when a third party is providing housing, sustenance, or other support to the student. It is not necessary and is in violation of the Free Exercise Clause to single out and exclude from participation in title IV programs individuals who are members of religious orders. Accordingly, the Department proposes to delete this provision.

Eligible Employers and General Conditions and Limitation on Employment (§ 675.20)

Statute: Section 443(b)(1)(C) of the HEA states that work performed under the FWSP may ''not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''

Current Regulations: Section 675.20(c)(2)(iv) provides that FWSP employment may not ''involve the construction, operation, or maintenance of any part of a facility used or to be

[4] 137 S. Ct. at 2021–25.

[5] 137 S. Ct. at 2021–25.

used for religious worship or sectarian instruction.''

Proposed Regulations: We propose to amend the regulation to be consistent with the statutory text.

Reasons: On college campuses, chapels and other religious structures may be part of larger multi-use facilities. The current regulations are not clear as to when FWSP employment may include the construction, operation, or maintenance of a larger, multi-use facility that includes space that is used for religious worship or sectarian instruction. The current regulatory language also has departed from the statute in precluding certain employment activities from *any part* of a facility used or to be used for religious worship or sectarian instruction. To provide clarity and to ensure adherence to the statute, the Faith-Based Entities Subcommittee suggested that we conform the regulatory language to the statutory provision, and the committee reached consensus on amending the provision as proposed by the subcommittee.

Student Eligibility (§ 676.9)

Statute: Section 413C and Part F (§ 471, *et seq.*) of the HEA govern the selection of recipients for the FSEOG Program and need analysis, respectively.

Current Regulations: Section 676.9(c) states that a member of a religious order pursuing a course of study in an institution of higher education has no financial need for purposes of the FSEOG Program if the order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the member to pursue the course of study or provides subsistence support to its members.

Proposed Regulations: We propose to revise § 676.9(c) to remove the language that provides that a member of a religious order is considered to have no financial need.

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[6] The Department determined that the current regulations may violate the Free Exercise Clause by categorically denying individuals from participating in generally available benefit programs based on their membership in a religious order. The Department believes that otherwise eligible students who are members of religious orders should not be required to disavow their religious beliefs in order to participate in title IV programs. Other non-discriminatory methods exist for determining a student's cost of attendance when a third party is providing housing, sustenance, or other support to the student. It is not necessary and is in violation of the Free Exercise Clause to single out and exclude from participation in title IV programs individuals who are members of religious orders. Accordingly, the Department proposes to delete this provision.

Deferment (§ 682.210)

Statute: Section 427(a)(2)(c) of the HEA as it was in effect on July 2, 1992 governs deferments that were available to borrowers with loans issued before July 1, 1993.

Current Regulations: Section 682.210(m)(1)(iv) denies deferment of repayment for FFEL borrowers working as volunteers if their duties include giving religious instruction, conducting worship service, proselytizing, or fundraising to support religious activities.

Proposed Regulations: During negotiations, we developed proposed changes to § 682.210(m)(1)(iv) that would deny deferment of repayment for FFEL borrowers working as volunteers only for that portion of their duties spent participating in religious instruction, worship services, or any form of proselytizing. However, this proposed revision is inconsistent with the other provisions regarding deferment in which consensus was reached. Similar provisions in other regulations were simply deleted. Because this would be inconsistent with our other proposed regulatory changes, we seek comment from the public on whether we should instead remove § 682.210(m)(1)(iv).

Reasons: We believe that the current regulatory provision may violate the Free Exercise Clause of the First Amendment. Many religious organizations offer services such as providing food to impoverished people as part of their religious worship and outreach. Those organizations may not be able to separate the provision of secular and non-secular services, as they are intertwined as part of their faith and belief system. Volunteers should be able to enjoy membership in a religious organization and obtain loan deferments (a generally available benefit). Accordingly, the Department proposes to revise this provision.

Eligibility of Borrowers for Interest Benefits on Stafford and Consolidation Loans (§ 682.301)

Statute: Section 428 of the HEA governs Federal payments to reduce student interest costs.

Current Regulations: Section 682.301(a)(2) provides that a member of a religious order pursuing a course of study in an institution of higher education has no financial need for purposes of the FFEL Program if the order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the member to pursue the course of study or provides subsistence support to its members.

Proposed Regulations: We propose to delete § 682.301(a)(2).

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[7] The Department determined that the current regulations may violate the Free Exercise Clause by categorically denying individuals from participation in generally available benefit programs based on their membership in a religious order. The Department believes that otherwise eligible students who are members of religious orders should not be required to disavow their religious beliefs in order to participate in title IV programs. Other non-discriminatory methods exist for determining a student's cost of attendance when a third party is providing housing, sustenance, or other support to the student. It is not necessary to single out and exclude from participation in title IV programs individuals who are members of religious orders and singling out these individuals for exclusion may violate the Free Exercise Clause. Accordingly, the Department proposes to delete this provision.

Borrower Eligibility (§ 685.200)

Statute: Section 451, *et seq.* of the HEA governs the Direct Loan program.

Current Regulations: Section 685.200(a)(2)(ii) provides that a member of a religious order, group, community, society, agency or other organization pursuing a course of study in an institution of higher education has no financial need for purposes of the Direct

[6] 137 S. Ct. at 2021–25.

[7] 137 S. Ct. at 2021–25.

Loan Program if the order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the member to pursue the course of study or provides subsistence support to its members.

Proposed Regulations: We propose to delete § 685.200(a)(2)(ii).

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[8] The Department determined that the current regulations may violate the Free Exercise Clause by categorically denying individuals from participating in generally available benefit programs based on their membership in a religious order. The Department believes that otherwise eligible students who are members of religious orders should not be required to disavow their religious beliefs in order to participate in title IV programs. Other non-discriminatory methods exist for determining a student's cost of attendance when a third party is providing housing, sustenance, or other support to the student. It is not necessary to single out and exclude from participation in title IV programs individuals who are members of religious orders and singling out these individuals for exclusion may violate the Free Exercise Clause. Accordingly, the Department proposes to delete this provision.

PSLF Program (§ 685.219)

Statute: HEA section 455 governs the PSLF Program.

Current Regulations: The definition of ''public service organization'' in § 685.219(b) excludes a non-profit organization engaged in religious activities unless the qualifying activities are unrelated to religious instruction, worship services, or any form of proselytizing. The Department has not historically interpreted this regulation to categorically prohibit borrowers who work for employers that engage in religious instruction, worship services, or proselytizing from qualifying for the PSLF Program and proposes to revise this regulation.

Proposed Regulations: The Department initially proposed to delete the provision in § 685.219(b) that defines a public service organization as a non-profit organization that is ''not engaged in religious activities, unless the qualifying activities are unrelated to religious instruction, worship services, or any form of proselytizing.'' The Department is concerned that denying certain borrowers the same generally available benefit as a result of the borrowers' choice to work for a non-profit engaged in religious activities may violate the Free Exercise Clause.[9] During negotiations, the Committee reached consensus to revise the definition of ''public service organization'' to provide that borrowers who work for employers that engage in religious instruction, worship services, or proselytizing qualify for the PSLF Program so long as they can meet the applicable standard for full-time employment when those religious activities are excluded from their work hours.

Reasons: Currently, borrowers or other members of the public who read the Department's regulations may not understand how they can qualify for the PSLF Program, if they are employed by an organization that engages in religious instruction, worship services, or any form of proselytizing. The proposed modification to the definition of ''public service organization'' constitutes a compromise that the Department reached with the Committee. This revision does not categorically deny borrowers the opportunity to qualify for the PSLF Program if they choose to work for a non-profit organization that is engaged in religious activities. The Department seeks comment on this revision, including whether and how borrowers may exclude religious activities from their work hours if their religious activities may be intertwined with their secular work. The Department also seeks comment on whether this revision may substantially burden a person's exercise of religion under the Religious Freedom Restoration Act, 42 U.S.C. 2000bb, *et seq.*

Determination of Eligibility for Payment (§ 690.75)

Statute: Section 401 of the HEA governs Pell Grants.

Current Regulations: Section 690.75(d) states that a member of a religious order, community, society, agency, or organization who is pursuing a course of study in an institution of higher education is considered to have an expected family contribution amount at least equal to the maximum authorized award amount for the award year if that religious order has as a primary objective the promotion of ideals and beliefs regarding a Supreme Being and provides subsistence support to its members, or has directed the member to pursue the course of study.

Proposed Regulations: We propose to delete § 690.75(d).

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[10] The Department determined that the current regulations may violate the Free Exercise Clause by categorically denying individuals from participating in generally available benefit programs based on their membership in a religious order, community, society, agency, or organization. The Department believes that otherwise eligible students who are members of religious orders should not be required to disavow their religious beliefs in order to participate in title IV programs. Other non-discriminatory methods exist for determining a student's cost of attendance when a third party is providing housing, sustenance, or other support to the student. It is not necessary to single out and exclude from participation in title IV programs individuals who are members of religious orders and singling out such individuals for exclusion may violate the Free Exercise Clause. Accordingly, the Department proposes to delete this provision.

How does a State administer its community service-learning job program? (§ 692.30)

Statute: Section 415C of the HEA provides that grants for community service-learning jobs must be made in accordance with the requirements of the FWSP. Under those FWSP requirements in Section 443(b)(1)(C) of the HEA, work performed may ''not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''

Current Regulations: Section 692.30(c)(5) states that each community service-learning job must ''not involve the construction, operation, or maintenance of any part of a facility used or to be used for religious worship or sectarian instruction.''

Proposed Regulations: We propose replacing the regulatory text with the statutory text.

Reasons: On college campuses, chapels and other religious structures may be part of larger multi-use facilities.

[8] 137 S. Ct. at 2021–25.

[9] *Trinity Lutheran,* 137 S. Ct. at 2021–22.

[10] 137 S. Ct. at 2021–25.

The current regulations are not clear as to when a community service-learning job may include the construction, operation, or maintenance of a larger multi-use facility that includes space that is used for religious worship or sectarian instruction. The current regulatory language also departs from the statutory language. To provide clarity and to adhere to the statute, the Faith-Based Entities Subcommittee agreed to conform the regulatory language to the statutory provision.

Who may provide GEAR UP services to students attending private schools? (§ 694.6)

Statute: Section 404 *et seq.* of the HEA governs the GEAR UP program.

Current Regulations: Section 694.6(b) states that, in providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be independent of the private school that the students attend, and of any religious organization affiliated with the school, and that employment or contract must be under the control and supervision of the public agency.

Proposed Regulations: We propose to change this provision to state that, when providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be employed or contracted independently of the private school that the students attend, and of any other organization affiliated with the school, and that employment or contract must be under the control and supervision of the public agency.

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[11] The current regulatory provision is written in a way that singles out and disfavors religious organizations and, thus, may violate the Free Exercise Clause. The Faith-Based Entities Subcommittee proposed, and the negotiating committee agreed to, language that provides needed safeguards without singling out religious organizations.

Statute: Section 404, *et seq.* of the HEA governs the GEAR UP program.

Current Regulations: Section 694.6(c) states that Federal funds used to provide GEAR UP services to students attending private schools may not be commingled with non-Federal funds.

Proposed Regulations: We propose to delete this provision.

Reasons: The current regulatory provision duplicates broader requirements in the Education Department General Administrative Regulations (EDGAR) and corresponding Office of Management and Budget Circulars that prohibit the comingling of any Federal and non-Federal funds, not just funds used to provide services to students attending private schools. Because the current regulatory provision duplicates other requirements, it is unnecessary. Furthermore, because the current provision is limited to funds used to serve students in private schools, it may mislead grantees to believe that Federal and non-Federal funds used for other purposes may be comingled. Grantees could also misinterpret the provision to believe that the requirements for the management of Federal and non-Federal funds is different for the GEAR UP program than for other discretionary grant programs administered by the Department. We believe that all regulatory provisions relating to the management of Federal and non-Federal funds should be in the EDGAR regulations that apply to all grant programs administered by the Department rather than including a narrow provision out of context in the GEAR UP program regulations.

What are the requirements that a Partnership must meet in designating a fiscal agent for its project under this program? (§ 694.10)

Statute: Section 404 *et seq.* of the HEA governs the GEAR UP program.

Current Regulations: Section 694.10 states that a Partnership must designate a local educational agency (LEA) or an ''institution of higher education that is not pervasively sectarian'' to serve as its fiscal agent.

Proposed Regulations: We propose to delete the phrase ''that is not pervasively sectarian'' so that any otherwise qualified institution of higher education can serve as the fiscal agent of a GEAR UP grant.

Reasons: In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* the Supreme Court held that laws and policies may provide benefits in a way that is neutral to religion, but policies that single out the religious for disfavored treatment violate the Free Exercise Clause.[12] The Department determined that the current regulations may categorically deny entities from participating in a generally available benefit program based on their religious status. It is not necessary to single out institutions that are pervasively sectarian from serving as fiscal agents for GEAR UP grants and singling out such institutions for exclusion may violate the Free Exercise Clause. Accordingly, the Department proposes to delete this provision.

TEACH Grant Program

Scope and Purpose (§ 686.1)

Statute: HEA sections 420L through 420P establish the terms and conditions of the TEACH Grant Program.

Current Regulations: Section 686.1 states that the TEACH Grant Program awards grants to students who intend to teach, to help meet the cost of their postsecondary education. In exchange for receiving a grant, a student must agree to serve as a full-time teacher in a high-need field in a low-income school for at least four academic years within eight years of completing the program of study for which the grant was received. The current regulations further provide that if the grant recipient does not satisfy the service obligation, the amounts of the TEACH Grants received are treated as a Direct Unsubsidized Loan that must be repaid with interest.

Proposed Regulations: The Department proposes to revise and expand § 686.1 by—

- Adding language stating that a student can receive a TEACH Grant by agreeing to serve as a full-time teacher in a high-need field for an educational service agency serving low-income students;
- Replacing the current language stating that a student must agree to teach for at least four academic years within eight years of completing the program of study for which he or she received the grant with language stating that the student must agree to complete the required years of teaching within eight years of ceasing enrollment at the institution where the student received the TEACH grant or, in the case of a student who receives a TEACH Grant at one institution and subsequently transfers to another institution and enrolls in another TEACH Grant-eligible program, within eight years of ceasing enrollment at the other institution;
- Adding language stating that the eight-year period for completing the required four years of teaching does not include periods of suspension in accordance with § 686.41;
- Adding language to clarify that interest is charged from the date of each TEACH Grant disbursement if the TEACH Grant recipient does not satisfy the service obligation requirements and his or her TEACH Grants are converted into a Direct Unsubsidized Loan that must be repaid with interest; and

[11] 137 S. Ct. at 2021–25.

[12] 137 S. Ct. at 2021–25.

• Adding language stating the conditions under which a TEACH Grant that has been converted to a Direct Unsubsidized Loan can be reconverted to a grant.

Reasons: We are proposing to add a reference to educational service agencies in § 686.1 to reflect the change made by the Higher Education Opportunity Act of 2008 (Pub. L. 110–315) (HEOA) that amended section 465(a)(2)(A) of the HEA to include educational service agencies in the description of a low-income school for purposes of the title IV student financial assistance programs, including the TEACH Grant Program.

For consistency with proposed changes discussed in more detail later in this preamble, we propose to amend § 686.1 to state that the eight-year period for completing the service obligation begins when a student ceases enrollment at the institution where he or she received a TEACH Grant, rather than when the student completes the program of study for which the student received the grant. Further, because the current TEACH Grant regulations do not address the starting date of the eight-year service obligation period for students who receive a TEACH Grant at one institution and later transfer to a different institution, we propose to clarify in § 686.1 that in such cases the eight-year period would begin when the student ceases enrollment at the transfer institution. This is consistent with other proposed changes, discussed later in this preamble, that provide that a grant recipient will have a single service obligation associated with all TEACH Grants received while the recipient is at the same academic level.

The TEACH Grant subcommittee recommended that we expand § 686.1 to clarify that the eight-year period for completing the service obligation does not include periods of suspension granted under § 686.41, that interest is charged on a converted TEACH Grant from the date of each TEACH Grant disbursement, and that a TEACH Grant that has been converted to a Direct Unsubsidized Loan can be reconverted to a grant only if the Secretary determines that the grant was improperly converted to a loan. Subcommittee members believed that it was particularly important for TEACH Grant recipients to understand these specific provisions of the TEACH Grant Program and urged the Department to include them in § 686.1 for the benefit of grant recipients who may only read the ''scope and purpose'' section of the regulations.

We agreed with the recommendations to expand the content of § 686.1, but instead of adding language stating that a TEACH Grant that has been converted to a loan can be reconverted to a grant only if the Secretary determines that the grant was improperly converted to a loan, we propose to say that a loan can be reconverted to a grant only in accordance with § 686.43. The reason for proposing this alternative language is that under certain circumstances as described in proposed § 686.43, a TEACH Grant that was converted to a loan can be reconverted to a grant even though the conversion to a loan was not improper.

Definitions (§ 686.2)

Free Application for Federal Student Aid (FAFSA)

Statute: HEA section 420N(b) requires that teacher candidates must file an application to receive a TEACH Grant.

Current Regulations: There is no current definition of a TEACH Grant application.

Proposed regulations: In § 686.2(b), we propose to add a cross-reference to the term ''Free application for Federal student aid (FAFSA)'' in 34 CFR part 668.

Reasons: This is a conforming change to reflect proposed changes in § 686.10 that replace references to an application for a TEACH Grant with references to the FAFSA. The FAFSA serves as the application for a TEACH Grant.

Agreement To Serve or Repay

Statute: Section 420N(b) of the HEA requires that an application for a TEACH Grant contain or be accompanied by an agreement to serve.

Current Regulations: Section 686.2(d) defines ''Agreement to serve (ATS)'' as an agreement under which a TEACH Grant recipient commits to meet the service obligation described in § 686.12 and to comply with program requirements.

Proposed Regulations: We propose to change the name of the agreement signed by a TEACH Grant recipient from ''Agreement to serve (ATS)'' to ''Agreement to serve or repay'' and to clarify that the agreement requires the TEACH Grant recipient to commit to meet the service obligation or repay the loan.

Reasons: We are proposing the changes described above because the current term ''Agreement to serve (ATS)'' and the definition of that term do not clearly convey the consequences of failing to meet the service obligation requirements. This change would clarify that signing the agreement to serve or repay commits the TEACH Grant recipient to either meet the service obligation or repay the loan.

Educational Service Agency

Statute: The HEOA amended section 465(a)(2)(A) of the HEA to include educational service agencies in the description of a low-income school and added a new section 481(f) stating that ''educational service agency'' has the meaning given the term in section 9101 of the ESEA.

Current Regulations: Current regulations do not define ''educational service agency.''

Proposed Regulations: We propose to add the term ''educational service agency'' in § 686.2(d) and to include in the regulations the definition of that term from section 9101 of the ESEA. An educational service agency is a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to LEAs.

Reasons: The Department proposes to add a definition of ''educational service agency'' to reflect the statutory change made by the HEOA to section 465(a)(2)(A) of the HEA to include educational service agencies in the description of a low-income school, and added a new section 481(f) that provides that ''educational service agency'' has the meaning given the term in section 9101 of the ESEA.

High-Need Field

Statute: Section 420N(b)(1)(C) of the HEA describes high-need fields as mathematics, science, foreign languages, bilingual education, special education, reading specialist, or another field documented as high-need by the Federal Government, State government, or LEA, and approved by the Secretary.

Current Regulations: Section 686.2(d) defines ''high-need field'' as including the following—

(1) Bilingual education and English language acquisition;

(2) Foreign language;

(3) Mathematics;

(4) Reading specialist;

(5) Science;

(6) Special education; and

(7) Another field documented as high-need by the Federal Government, a State government or an LEA, and approved by the Secretary and listed in the Department's annual Teacher Shortage Area Nationwide Listing (Nationwide List) in accordance with 34 CFR 682.210(q).

Proposed Regulations: We propose to clarify that ''science'' includes computer science. In addition, we propose to remove the cross-reference to 34 CFR 682.210(q) from paragraph (7) of the current definition and incorporate this reference into the proposed definition of the term ''Teacher Shortage Area Nationwide Listing (Nationwide List).''

Reasons: While the Department has traditionally considered ''science'' to include ''computer science,'' non-Federal negotiators believed that institutions and students might not be aware of this, and therefore felt it was important to clarify this policy in the regulations. The Department agreed.

The cross-reference to 34 CFR 682.210(q) in current paragraph (7) is no longer needed because it will be included in a proposed stand-alone definition of ''Teacher Shortage Area Nationwide Listing (Nationwide List),'' as discussed below.

Highly Qualified

Statute: Section 420N(b)(1)(E) of the HEA provides that, as a condition of receiving a TEACH Grant, an applicant must agree to comply with the requirements for being a highly qualified teacher as defined in section 9101 of the ESEA.

Sections 428J(g)(3) and 460(g)(3) of the HEA describe how private school teachers who are exempt from State certification requirements may be considered highly qualified teachers for purposes of meeting the eligibility requirements for teacher loan forgiveness in the FFEL and Direct Loan programs.

Current Regulations: Section 686.2(d) states that ''highly-qualified'' has the meaning set forth in section 9101(23) of the ESEA or in section 602(10) of the Individuals with Disabilities Education Act.

Proposed Regulations: In § 686.2(d) we propose to replace the current definition of ''highly-qualified'' with the full text of the statutory definition of ''highly qualified'' from section 9101(23) of the ESEA. In addition, we propose to add to paragraph (4) of the definition provisions that describe how a public or other non-profit private, elementary or secondary school teacher who is exempt from State certification requirements can meet the ''highly qualified'' requirement.

Reasons: The Every Student Succeeds Act (ESSA) removed the ''highly qualified'' definition from the law for ESEA purposes. However, section 9214(a) of the ESSA provides that, for purposes of the title IV, HEA Federal student aid programs, including the TEACH Grant Program, the term ''highly qualified'' as it was defined in the ESEA as of the day before the enactment of the ESEA continues to apply. Therefore, TEACH Grant recipients must still meet the highly qualified teacher standards to satisfy their service obligation. To clarify that the highly qualified teacher requirements continue to apply for purposes of the TEACH Grant Program and to ensure that grant recipients understand those requirements, we believe it is appropriate to add the definition of ''highly qualified'' in its entirety to the TEACH Grant regulations.

The definition of ''highly qualified'' in the ESEA does not address private school teachers. However, teaching in qualified non-profit private schools can be qualifying service for a TEACH Grant recipient. To clarify the requirements for private school teachers and to be consistent with the requirements that apply to teachers seeking loan forgiveness in the Direct Loan and FFEL Programs, we propose to expand the definition of ''highly qualified'' to include the language from sections 428J(g)(3) and 460(g)(3) of the HEA that describes how private school teachers who are exempt from State certification requirements can meet the highly qualified teacher standards for teacher loan forgiveness purposes.

School or Educational Service Agency Serving Low-Income Students (Low-Income School)

Statute: Section 420N(b)(1)(B) of the HEA provides that an applicant for a TEACH Grant must agree to teach in a ''low-income school'' as described in section 465(a)(2)(A) of the HEA. Under that section such a school is—

(1) A public or other nonprofit private elementary school or secondary school, which has been determined by the Secretary (pursuant to regulations of the Secretary and after consultation with the State educational agency of the State in which the school is located) to be a school in which the number of children meeting a measure of poverty under section 1113(a)(5) of the ESEA, exceeds 30 percent of the total number of children enrolled in such school, and is in the school district of an LEA which is eligible in such year for assistance pursuant to part A of title I of the ESEA; or

(2) A public, or nonprofit private, elementary school or secondary school or location operated by an educational service agency that has been determined by the Secretary (pursuant to regulations of the Secretary and after consultation with the State educational agency of the State in which the educational service agency operates) to be a school or location at which the number of children taught who meet a measure of poverty under section 1113(a)(5) of the ESEA, exceeds 30 percent of the total number of children taught at such school or location.

Current Regulations: Section 686.2(d) defines ''school serving low-income students (low-income school)'' as an elementary or secondary school that—

(1) Is in the school district of an LEA that is eligible for assistance pursuant to title I of the ESEA;

(2) Has been determined by the Secretary to be a school in which more than 30 percent of the school's total enrollment is made up of children who qualify for services provided under title I of the ESEA; and

(3) Is listed in the Department's Annual Directory of Designated Low-Income Schools for Teacher Cancellation Benefits.

The current definition of ''low-income school'' further provides that the Secretary considers all elementary and secondary schools operated by the Bureau of Indian Education (BIE) in the Department of the Interior or operated on Indian reservations by Indian Tribal groups under contract or grant with the BIE to qualify as schools serving low-income students.

Proposed Regulations: We propose to revise the current definition of ''low-income school'' to include educational service agencies in addition to elementary and secondary schools. We also propose to remove paragraphs (1) and (2) of the current definition and to replace ''Annual Directory of Designated Low-Income Schools for Teacher Cancellation Benefits'' with ''Teacher Cancellation Low-Income (TCLI) Directory.'' The revised definition would state that a low-income school is an elementary school, secondary school, or educational service agency that is listed in the Department's TCLI Directory. We propose to retain the current language related to schools operated by the BIE, with the addition of a reference to educational service agencies.

Reasons: We are proposing to add references to educational service agencies to the definition of ''low-income school'' to reflect the statutory change made by the HEOA to section 465(a)(2)(A) of the HEA that allows a TEACH Grant recipient to satisfy his or her service obligation by teaching in an educational service agency that serves low-income students. To simplify the definition of ''low-income school,'' we propose to delete current paragraphs (1) and (2), which explain the requirements that a school or educational service agency must meet to be included in the TCLI Directory. Since grant recipients must teach at a low-income school that is listed in the TCLI Directory, we believe it is sufficient to simply state that requirement, without including the TCLI eligibility criteria. Finally, we propose to replace ''Annual Directory of Designated Low-Income Schools for

Teacher Cancellation Benefits'' with ''Teacher Cancellation Low-Income (TCLI) Directory'' to reflect the current name of the Directory.

TEACH Grant-Eligible Program

Statute: The HEA does not define ''TEACH Grant-eligible program.''

Current Regulations: The current regulations define ''TEACH Grant-eligible program'' as an eligible program for Federal student financial aid purposes, as defined in 34 CFR 668.8, that is a program of study designed to prepare an individual to teach as a highly qualified teacher in a high-need field and which leads to a baccalaureate or master's degree, or is a post-baccalaureate program of study. A two-year program of study acceptable for full credit toward a baccalaureate degree is considered to be a program of study that leads to a baccalaureate degree.

Proposed Regulations: We propose to add language to the current definition stating that a TEACH Grant-eligible program is a program of study ''at a TEACH Grant-eligible institution.''

Reasons: For greater clarity, the TEACH Grant subcommittee recommended that we specify in the definition that a program is TEACH Grant-eligible only if it is offered at an institution that participates in the TEACH Grant Program. This would make it clear that if an undergraduate TEACH Grant recipient transfers to a different institution prior to completing the program for which he or she received a TEACH Grant and enrolls in a baccalaureate program at the new institution that could qualify as TEACH Grant-eligible, the recipient would be eligible to have the starting date of the eight-year service obligation period adjusted, as discussed later in this preamble, only if the new institution participates in the TEACH Grant Program.

Teacher Shortage Area Nationwide Listing (Nationwide List)

Statute: The HEA does not define ''Teacher Shortage Area Nationwide Listing (Nationwide List).''

Current Regulations: Current regulations do not define ''Teacher Shortage Area Nationwide Listing (Nationwide List).''

Proposed Regulations: The Department proposes to add to § 686.2(d) the term ''Teacher Shortage Area Nationwide Listing (Nationwide List),'' which we would define as a list of teacher shortage areas in each State as defined under 34 CFR 682.210(q)(8)(vii).

Reasons: The term ''Teacher Shortage Area Nationwide Listing (Nationwide List)'' is used in various sections of the proposed regulations, but we have not previously defined it. Therefore, we are proposing to add a definition for this term.

Application (§ 686.10)

Statute: Section 420N of the HEA provides that the Secretary must periodically set dates by which a teacher candidate who wishes to receive a TEACH Grant for any year must file an application that contains information showing that the candidate meets the eligibility requirements in section 420N(a)(2).

Current regulations: Section 686.10(a)(1) provides that to receive a TEACH Grant, a student must complete and submit an application designated by the Secretary. Section 686.10(a)(2) states that a TEACH Grant applicant must complete and sign an agreement to serve and promise to repay, and § 686.10(a)(3) requires a TEACH Grant applicant to provide any additional information and assurances requested by the Secretary.

Section 686.10(b) requires the student to submit the application by sending the completed application to the Secretary, or by providing the application, signed by all appropriate family members, to the institution that the student attends or plans to attend, so that the institution can transmit the application information to the Secretary electronically.

Section 686.10(c) requires the student to provide the address of his or her residence.

Finally, § 686.10(d) provides that for each award year, the Secretary, through publication in the **Federal Register**, establishes deadline dates for submitting the application and additional information, and for making corrections to the information provided.

Proposed Regulations: We propose to redesignate § 686.10(a)(1) as § 686.10(a) and revise the redesignated paragraph to state that to receive a TEACH Grant, a student must complete and submit the FAFSA in accordance with the instructions in the FAFSA.

We further propose to redesignate § 686.10(a)(2) and (3) as § 686.10(b) and (c), respectively, amend the redesignated paragraphs, and remove § 686.10(b), (c), and (d).

In redesignated § 686.10(b), we propose to replace ''agreement to serve and promise to pay'' with ''agreement to serve or repay,'' and to specify that the TEACH Grant applicant must complete and sign the agreement to serve or repay in accordance with § 686.12.

In redesignated § 686.10(c), we propose to remove the requirement for the applicant to provide any assurances requested by the Secretary, and to specify that in addition to being required to provide any additional information requested by the Secretary, the applicant must also provide any additional information requested by the institution.

Reasons: We are proposing to replace references to submitting an application as designated by the Secretary with a reference to submitting the FAFSA, and to remove other current provisions related to submitting the application, because the FAFSA is the application for the TEACH Grant Program. There is no separate application for the TEACH Grant Program.

We also propose to remove the requirement for the TEACH Grant applicant to provide assurances because any required assurances are included in the agreement to serve or repay. We further propose to add a provision stating that a TEACH Grant applicant must provide any additional information requested by the institution. TEACH Grant subcommittee members recommended adding this provision because there are institutions that require potential TEACH Grant recipients to submit information showing that they meet the program eligibility requirements of the TEACH Grant-eligible program that are specific to that institution.

Eligibility To Receive a Grant (§ 686.11)

Statute: Section 420N(a) of the HEA provides student eligibility requirements for the TEACH Grant Program.

Current Regulations: Section 686.11(a) sets forth the TEACH Grant student eligibility requirements common to all students who are enrolled in undergraduate, post-baccalaureate, and graduate programs. All students must meet the student eligibility requirements for Federal student financial aid in 34 CFR part 668, subpart C; have submitted a completed application along with a signed service agreement; and be enrolled in a TEACH Grant-eligible institution in a TEACH Grant-eligible program. All students must also complete coursework and other requirements necessary to begin a career in teaching or plan to do so before graduating and meet specific academic requirements.

Section 686.11(b) sets forth the TEACH Grant student eligibility requirements for current or former teachers and retirees. A current or former teacher or retiree must meet the student eligibility requirements for Federal student financial aid in 34 CFR part 668, subpart C, have submitted a completed application along with a signed service agreement, and have

applied for a TEACH Grant to obtain a master's degree. The applicant must be a teacher or retiree or be a current or former teacher pursuing certification through a high-quality alternative certification route. Applicants must be enrolled in a TEACH Grant eligible-program at a TEACH Grant-eligible institution during the time period required for completion of a master's degree. Section 686.11(c) provides the eligibility requirements to receive a grant for transfer students.

Proposed Regulations: We are proposing to revise § 686.11(a)(1)(i) to specify that, instead of submitting a completed application, a student must meet the application requirements in proposed § 686.10, and to delete § 686.11(a)(1)(ii). We would also redesignate § 686.11(a)(1)(iii) through (v) as § 686.11(a)(1)(ii) through (iv), respectively.

We propose to revise the introductory text in § 686.11(b) to refer to the application requirements in proposed § 686.10, consistent with the proposed change to § 686.11(a)(1)(i). We also propose to remove § 686.11(b)(1) and redesignate § 686.11(b)(2) and (3) as § 686.11(b)(1) and (2), respectively.

Reasons: We are proposing these changes to be consistent with the proposed cross-reference to § 686.10, which specifies that a student must complete the FAFSA, sign an agreement to serve or repay, and provide any additional information requested by the Secretary. Because the requirements under proposed § 686.10 incorporate the agreement to serve or repay, there is no need to repeat this language in proposed § 686.11 (a) or (b). The consensus language contained an edit to § 686.11(b)(1) that would change the term ''agreement to serve'' to ''agreement to serve or repay.'' We have determined that § 686.11(b)(1) should instead be removed because, like § 686.11(a)(1)(ii), it is redundant as a result of the proposed change to refer to the application requirements in § 686.10 in the introductory text of § 686.11(b).

Agreement To Serve (§ 686.12)

Statute: Section 420N(b)(1) of the HEA provides that each TEACH Grant application must contain or be accompanied by an agreement by the applicant that he or she will—

(1) Serve as a full-time teacher for a total of not less than four academic years within eight years after completing the course of study for which the applicant received a TEACH Grant;

(2) Teach in a school described in section 465(a)(2)(A) of the HEA;

(3) Teach in any of the fields of mathematics, science, foreign language, bilingual education, special education, reading specialist, or another field documented as high-need by the Federal Government, State government, or LEA, and approved by the Secretary;

(4) Submit evidence of qualifying employment in the form of a certification by the chief administrative officer of the school upon completion of each year of service; and

(5) Comply with the requirements for being a highly qualified teacher as defined in section 9101 of the ESEA.

Section 420N(b)(2) of the HEA provides that if the applicant is determined to have failed or refused to carry out the service obligation, the sum of the amounts of any TEACH Grants received by the applicant will be treated as a loan and collected from the applicant in accordance with section 420N(c) of the HEA.

Section 420N(b)(3) of the HEA states that the agreement to serve must contain or be accompanied by a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequences of failure to complete the service obligation.

Section 420N(d)(1) of the HEA provides that if a recipient of an initial TEACH Grant has acquired an academic degree or expertise in a field that was, at the time of the recipient's application for that grant, designated as high-need by the Federal Government, State government, or LEA, and approved by the Secretary, but it is no longer designated as high-need, the grant recipient may fulfill the TEACH Grant service obligation by teaching in that field.

Current Regulations: Section 686.12(a) provides that a student who meets the eligibility requirements in § 686.11 may receive a TEACH Grant only after he or she signs an agreement to serve and receives counseling in accordance with § 686.32.

Section 686.12(b) describes the contents of the agreement to serve. Section 686.12(b) introductory text provides that for each TEACH Grant-eligible program for which a student received TEACH Grant funds, the grant recipient must fulfill a service obligation by performing creditable teaching service.

Section 686.12(b)(1) states that a grant recipient must perform the creditable teaching service by serving as a full-time teacher for a total of not less than four elementary or secondary academic years within eight calendar years after completing the program or otherwise ceasing enrollment in the program for which the recipient received the TEACH Grant—

(1) In a low-income school;

(2) As a highly qualified teacher; and

(3) In a high-need field in the majority of classes taught during each elementary and secondary year.

Under § 686.12(b)(2), the agreement to serve requires the grant recipient to submit, upon completion of each year of service, documentation of the service in the form of a certification by a chief administrative officer of the school.

Under § 686.12(b)(3), the agreement to serve requires the grant recipient to comply with the terms, conditions, and other requirements consistent with §§ 686.40—686.43 that the Secretary determines to be necessary.

Section 686.12(c) addresses the completion of more than one service obligation. Section 686.12(c)(1) states that a grant recipient must complete a service obligation for each program of study for which he or she received TEACH Grants; specifies that each service obligation begins following the completion or other cessation of enrollment by the student in the TEACH Grant-eligible program for which the student received TEACH Grant funds; and clarifies that creditable teaching service, a suspension approved under § 686.41(a)(2), or a military discharge granted under § 686.42(c)(2) may apply to more than one service obligation.

Section 686.12(c)(2) provides that a grant recipient may request a suspension, in accordance with § 686.41, of the eight-year time period described in § 686.12(b)(1).

Section 686.12(d) describes the requirements for majoring and serving in a high-need field. The current regulations state that a grant recipient who completes a TEACH Grant-eligible program in a field that is listed in the Nationwide List cannot satisfy his or her service obligation to teach in that high-need field unless the high-need field in which he or she has prepared to teach is listed in the Nationwide List for the State in which the grant recipient begins teaching at the time the recipient begins teaching in that field.

Section 686.12(e) describes the requirement that the recipient repay the amount of TEACH Grants received plus interest if the recipient fails to complete the service obligation. Under § 686.12(e), if a grant recipient fails or refuses to carry out the required service obligation described in § 686.12(b), the TEACH Grants received by the recipient must be repaid and will be treated as a Federal Direct Unsubsidized Loan, with interest accruing from the date of each

TEACH Grant disbursement, in accordance with applicable sections of 34 CFR part 685, subpart B.

Proposed Regulations: The proposed regulations would change the title of § 686.12 to ''Agreement to serve or repay,'' and would make conforming changes where needed throughout the section.

The proposed regulations would redesignate the introductory text of § 686.12(b) as § 686.12(b)(1), redesignate § 686.12(b)(1) as (b)(1)(i), and redesignate § 686.12(b)(1)(i), (ii), and (iii) as § 686.12(b)(1)(ii), (iii), and (iv), respectively.

We propose to amend redesignated § 686.12(b)(1)(i) by changing ''eight calendar years'' to ''eight years,'' and by further revising the current language to provide that a grant recipient must complete the four-year service obligation within eight years after the date the recipient ceased to be enrolled at the institution where he or she received a TEACH Grant or, in the case of a student who receives a TEACH Grant at one institution and later transfers to another institution and enrolls in another TEACH Grant-eligible program, within eight years of ceasing enrollment at the other institution. In redesignated §§ 686.32(b)(1)(ii) and (iii), we propose to add cross-references to the definitions of ''low-income school'' and ''highly qualified'' teacher in § 686.2(d).

We propose to add new paragraphs § 686.12(b)(3) and (4), and redesignate current paragraph § 686.12(b)(3) as paragraph § 686.12(b)(5).

Under proposed new § 686.12(b)(3), the agreement to serve or repay would explain that the eight-year period for completing the service obligation does not include periods of suspension in accordance with § 686.41.

Under proposed new §§ 686.12(b)(4)(i) through (iii), the agreement to serve or repay would: (1) Explain the conditions under which a TEACH Grant may be converted to a Direct Unsubsidized Loan, as described in § 686.43; (2) explain that if a TEACH Grant is converted to a loan, the grant recipient must repay the loan in full, with interest charged from the date of each TEACH Grant disbursement; and (3) explain that to avoid further accrual of interest, a grant recipient who for any reason no longer intends to satisfy the service obligation may request that the Secretary convert his or her TEACH Grant to a loan that the grant recipient can begin repaying immediately.

We propose to change the heading for § 686.12(c) from ''Completion of more than one service obligation'' to ''Completion of the service obligation.'' In addition, we propose to revise paragraph (c)(1) and add new paragraphs (c)(2) and (3). Current paragraph (c)(2) would be redesignated as paragraph (c)(4).

Proposed revised § 686.12(c)(1) would provide that a TEACH Grant recipient must complete one service obligation for all TEACH Grants received for undergraduate study, and one service obligation for all TEACH Grants received for graduate study, and would further specify that the eight-year period for completing the service obligation begins when the grant recipient ceases to be enrolled at the institution where he or she received a TEACH Grant or, in the case of a student who receives a TEACH Grant at one institution and later transfers to another institution and enrolls in another TEACH Grant-eligible program, when the recipient ceases enrollment at the other institution. Proposed revised § 686.12(c)(1) would continue to specify that creditable teaching service, an approved suspension, or a military discharge may apply to more than one service obligation.

Proposed new § 686.12(c)(2) would address the service obligation requirements for TEACH Grant recipients who withdraw from an institution before completing the program of study for which they received TEACH Grants, but later re-enroll at the same institution or at a different institution in the same or a different TEACH Grant-eligible program at the same academic level. Specifically, proposed new § 686.12(c)(2)(i) would provide that if a grant recipient withdraws from an institution before completing a baccalaureate or post-baccalaureate program, but later re-enrolls at the same or a different institution in either the same program or in a different baccalaureate or post-baccalaureate program and receives additional TEACH Grants, or the Secretary otherwise confirms that the recipient has re-enrolled in a TEACH Grant-eligible program, the Secretary would adjust the starting date of the eight-year service obligation period to begin when the recipient ceases enrollment at the institution where he or she has re-enrolled, except as provided in proposed new § 686.12(c)(3). Proposed new § 686.12(c)(2)(ii) would provide for the same treatment of a grant recipient who withdraws from and later re-enrolls in a TEACH Grant-eligible master's degree program. Proposed § 686.12(c)(2)(i) and (ii) would apply only if the grant recipient re-enrolls before we convert the recipient's TEACH Grants to Direct Unsubsidized Loans in accordance with proposed § 686.43(a)(1)(ii).

Proposed new § 686.12(c)(3) would address the treatment of grant recipients covered under proposed § 686.12(c)(2)(i) or (ii) who complete one or more years of creditable teaching service during the period between their withdrawal and subsequent re-enrollment. Specifically, the proposed regulations would provide that if a grant recipient completed one or more complete academic years of creditable teaching service during the period between withdrawal and re-enrollment, those years of teaching would count toward satisfaction of the grant recipient's service obligation, and the Secretary would not adjust the starting date of the eight-year period for completing the service obligation, unless the recipient requests an adjustment. Proposed new § 686.12(c)(3) would further provide that if a grant recipient continues to perform creditable teaching service after re-enrolling in a TEACH Grant-eligible program, qualifying teaching service performed while the recipient is concurrently enrolled in the TEACH Grant-eligible program may be applied toward satisfaction of the grant recipient's service obligation only if the grant recipient does not request and receive a temporary suspension of the service obligation period under § 686.41(a)(1)(i).

We propose to change the heading of § 686.12(d) from ''Majoring and serving in a high-need field'' to ''Teaching in a high-need field listed in the Nationwide List''. We propose to revise retitled § 686.12(d) to provide that for teaching service prior to July 1, 2010, teaching in a high-need field listed in the Nationwide List counts toward satisfaction of the service obligation as long as the high-need field in which the recipient prepared to teach is listed in the Nationwide List for the State in which the recipient teaches at the time the recipient begins teaching in that field, even if that field subsequently loses its high-need designation. For teaching service performed on or after July 1, 2010, the field must be listed in the Nationwide List at the time the grant recipient begins teaching in that field, even if the field later loses its high-need designation, or must have been listed at the time the grant recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field is no longer designated as high-need when the recipient begins teaching in that field.

Reasons: We propose to change the title of § 686.12 from ''agreement to serve'' to ''agreement to serve or repay'' to better emphasize that, as a condition

for receiving a TEACH Grant, a student must agree to either complete the service obligation or repay the grant as a loan. For greater clarity, we also propose to restructure current § 686.12(b)(1) and add cross references to definitions in § 686.2(d).

To reflect our current practice, we propose to specify in § 686.12(b)(1)(i) that the eight-year period for completing the service obligation begins on the date the grant recipient ceases enrollment at the institution or at the transfer institution where he or she received a TEACH Grant, rather than on the date the recipient completes or otherwise ceases to be enrolled in the program of study for which the recipient received a TEACH Grant. Existing practice is to start the eight-year service obligation on the date we receive enrollment information indicating that a grant recipient has ceased enrollment at the institution, because we generally do not collect the dates on which students cease enrollment in specific educational programs.

Proposed revised § 686.12(b)(1)(i) would also specify that the grant recipient must complete the service obligation within ''eight years'' rather than within ''eight calendar years'' as in current § 686.12(b)(1). During the TEACH Grant subcommittee meetings, a subcommittee member asked the Department if a grant recipient would be considered to have completed the service obligation within the eight-year service obligation period if the recipient's fourth academic year of qualifying teaching began less than eight calendar years from the starting date of the eight-year period, but did not end until more than eight calendar years had elapsed. The Department confirmed that, in this situation, the recipient would be considered to have satisfied the service obligation within the eight-year period. To make this clear in the regulations, the subcommittee member recommended that the Department replace ''eight calendar years'' with ''eight years.'' We agreed to propose this change.

We are proposing to add new paragraphs § 686.12(b)(3) and (4) to specify that the agreement to serve or repay will include certain information, as described earlier under ''Proposed Regulations,'' that subcommittee members believed was particularly important to ensure that students are better informed of the terms and conditions of the service obligation before they submit the agreement.

We propose to revise § 686.12(c) to cover certain circumstances that the current regulations do not address. Current § 686.12(c)(1) states that a grant recipient must complete a service obligation for each program of study for which he or she received TEACH Grants, but it does not address the service obligation requirements for grant recipients who start out in one TEACH Grant-eligible program, but then change to a different TEACH Grant-eligible program at the same academic level and at the same institution, or for grant recipients who receive a TEACH Grant at one institution and later transfer to another institution. We believe that the simplest approach, and the approach that is most beneficial to grant recipients, is to require a grant recipient to complete one service obligation for all TEACH Grants received for undergraduate study at the same institution or at more than one institution, and to complete one service obligation for all TEACH Grants received for graduate study at the same institution or at more than one institution. This means, for example, that a grant recipient who receives TEACH Grants for undergraduate TEACH Grant-eligible Program A, but before completing that program changes to undergraduate TEACH Grant-eligible Program B at either the same institution or at a different institution, would have just one four-year service obligation associated with all TEACH Grants received for undergraduate study. This approach is consistent with section 420N(b)(1)(A) of the HEA, which requires a TEACH Grant recipient to complete a four-year service obligation after completing the course of study for which the individual received TEACH Grants.

Because current § 686.12(c)(1) also does not address the service obligation requirements for grant recipients who withdraw from an institution before completing the program for which they received TEACH Grants, but later re-enroll in the same or a different TEACH Grant-eligible program, we are proposing to add new paragraphs (c)(2) and (3) to describe the requirements that would apply in this circumstance. The regulations in proposed new (c)(2) and (3) are consistent with the concept of having one service obligation for all TEACH Grants received for undergraduate study, and one service obligation for all TEACH Grants received for graduate study, as described in proposed § 686.12(c)(1).

The following example illustrates how proposed § 686.12(c)(2)(i) would apply:

A TEACH Grant recipient withdraws from an institution in December 2019 before completing TEACH Grant-eligible baccalaureate Program A. The eight-year period for completing the TEACH Grant service obligation begins on the student's withdrawal date. In September 2020, the grant recipient re-enrolls in Program A and receives another TEACH Grant. The grant recipient completes Program A and graduates in June 2021. We adjust the starting date of the eight-year period for completing the service obligation to begin in June 2021.

Proposed § 686.12(c)(2)(ii) would provide for the same treatment as described in the above example in the case of a grant recipient who withdraws prior to completing a TEACH Grant-eligible master's degree program and later re-enrolls in the same program or in a different TEACH Grant-eligible master's degree program.

Proposed § 686.12(c)(3)(i) and (ii) would specify that if a grant recipient completes one or more academic years of qualifying teaching service during the period between withdrawal and re-enrollment, the completed teaching counts toward satisfaction of the recipient's service obligation and the starting date of the period for completing the service obligation is not adjusted, unless the recipient requests an adjustment. The reason for not adjusting the service obligation period starting date in this circumstance is that if the starting date were adjusted to begin when the recipient ceases enrollment at the institution where he or she has re-enrolled, the period of completed teaching service for which the grant recipient is receiving credit would have been performed prior to the start of the service obligation period. Therefore, in this situation the starting date of the service obligation period will be the date the recipient withdrew prior to completing the program for which he or she received TEACH Grants. However, upon re-enrollment the grant recipient could request a temporary suspension of the period for completing the service obligation in accordance with proposed § 686.41(a)(1)(i). The non-Federal negotiators supported the provisions described in proposed new § 686.12(c)(2) and (3), but felt that a grant recipient who completed one or more years of qualifying teaching service during the period between withdrawal and re-enrollment should have the option of forfeiting credit for the completed teaching and instead have the starting date of the period for completing the service obligation adjusted to begin when the recipient ceases enrollment at the institution where he or she re-enrolled. This would provide the recipient with eight years to complete another four years of teaching. Some subcommittee members believed that for certain grant recipients it might be more beneficial to have a full eight

years to complete four years of teaching than to receive credit for the teaching that was completed during the period between withdrawal and re-enrollment and then have fewer than eight years to complete the remaining portion of the service obligation. The Department agreed to include this option in the proposed regulations.

Under proposed § 686.12(c)(3)(iii), if a grant recipient continues to perform qualifying teaching service after re-enrolling in a TEACH Grant-eligible program, the recipient may receive credit for that teaching service toward satisfaction of the service obligation only if the recipient does not request and receive a temporary suspension of the period for completing the service obligation under proposed § 686.41(a)(1)(i) based on re-enrollment in a TEACH Grant-eligible program. The reason for this limitation is that teaching service may be applied toward satisfaction of a grant recipient's service obligation only if the teaching is performed during the service obligation period. Since we exclude periods of suspension from the service obligation period, any teaching performed during a period when we suspend the service obligation period cannot be counted toward satisfaction of the service obligation.

The following example illustrates how proposed § 686.12(c)(3) would apply:

A TEACH Grant recipient withdraws from an institution before completing TEACH Grant-eligible master's degree Program A in June 2020. The recipient's eight-year period for completing the service obligation begins in June 2020. In September 2020, the recipient begins teaching in a high-need field in a low-income school and completes a full year of qualifying teaching during the 2020–2021 school year. In September 2021, the grant recipient stops teaching, re-enrolls in Program A, and completes the program, graduating in June 2022. The recipient requests and receives a temporary suspension of the eight-year service obligation period while completing Program A. Unless the recipient requests otherwise, the starting date of the eight-year period for completing the service obligation continues to be June 2020. The recipient would receive credit for the one year of teaching completed during the 2020–2021 school year, and now has seven years left to complete the remaining three years of the four-year service obligation. However, the recipient would have the option of asking the Secretary to adjust the starting date of the eight-year service obligation period to begin in June 2022, when the recipient graduates after completing Program A. In that case, the recipient would receive no credit for the year of teaching completed during the 2020–2021 school year and would have eight years to complete four years of teaching, starting in June 2022.

Under proposed § 686.12(c)(3)(iii), if the grant recipient in the above example continued to perform qualifying teaching service after re-enrolling in Program A in September 2021 and completed an additional year of teaching during the 2021–2022 school year, the recipient could receive credit for the second year of teaching only if he or she did not request and receive a temporary suspension of the eight-year service obligation period after re-enrolling in Program A. In that case, after graduating in June 2022 the recipient would have six years left to complete the remaining two years of the four-year service obligation.

Finally, a non-Federal negotiator noted that the proposed changes in § 686.12(c) are not exclusively related to the completion of more than one service obligation. Accordingly, the Department agreed to change the heading of § 686.12(c) from ''Completion of more than one service obligation'' to ''Completion of the service obligation.''

We propose to revise § 686.12(d) to reflect changes to section 420N(d)(1) of the HEA made by the HEOA. The changes made by the HEOA, as described earlier under ''Proposed regulations,'' are effective for teaching performed on or after July 1, 2010. We are also proposing to change the heading of § 686.12(d) from ''Majoring and serving in a high-need field'' to ''Teaching in a high-need field listed in the Nationwide List'' to describe the content of this section more accurately.

Calculation of a Grant (§ 686.21)

Statute: Section 420M(d)(1)(B) of the HEA provides that the total TEACH Grant amount that a teacher candidate may receive for undergraduate or postgraduate study may not exceed $16,000. Section 420M(d)(2) of the HEA provides that the total TEACH Grant amount that a teacher candidate may receive for graduate study may not exceed $8,000.

Current Regulations: Section 686.21(a)(2)(i) states that the aggregate amount a student may receive in TEACH Grants for undergraduate study may not exceed $16,000, and § 686.21(a)(2)(ii) states that the aggregate amount a student may receive in TEACH Grants for a master's degree may not exceed $8,000.

Proposed Regulations: We propose to change the word ''aggregate'' to ''total'' in § 686.21(a)(2)(i) and (ii), and to replace ''a master's degree'' with ''graduate study'' in § 686.21(a)(2)(ii).

Reasons: We are proposing the changes described above to make the regulatory language more consistent with the statutory language.

Counseling Requirements (§ 686.32)

Statute: The HEA does not include any counseling requirements for TEACH Grant recipients.

Current Regulations: Section 686.32 requires initial, subsequent, and exit counseling for TEACH Grant recipients.

Initial Counseling

Section 686.32(a)(1) requires an institution to conduct initial counseling with each TEACH Grant recipient before making the first disbursement of the grant. Section 686.32(a)(2) states that the initial counseling must be in person, by audiovisual presentation, or by interactive electronic means, and that in each case the institution must ensure that an individual with expertise in the title IV, HEA programs is reasonably available shortly after the counseling to answer the student's questions. As an alternative method of counseling for students enrolled in a correspondence program or a study-abroad program, the current regulations allow for the student to be provided with written counseling materials before the grant is disbursed.

Under § 686.32(a)(3)(i) through (xi), initial counseling must—

- Explain the terms and conditions of the agreement to serve as described in § 686.12 (§ 686.32(a)(3)(i));
- Provide the grant recipient with information about how to identify low-income schools and high-need fields (§ 686.32(a)(3)(ii));
- Inform the grant recipient that, in order for teaching to count toward the service obligation, the high-need field in which he or she has prepared to teach must be one of the six high-need fields listed in § 686.2, or a high-need field listed in the Nationwide List at the time and for the State in which the grant recipient begins teaching in that field (§ 686.32(a)(3)(iii));
- Inform the grant recipient of the opportunity to request a suspension of the eight-year period for completing the agreement to serve and the conditions under which a suspension may be granted in accordance with § 686.41 (§ 686.32(a)(3)(iv));
- Explain to the grant recipient that conditions, such as conviction for a felony, could preclude the recipient from completing the service obligation (§ 686.32(a)(3)(v));
- Emphasize that if the grant recipient fails or refuses to complete the

service obligation contained in the agreement to serve or any other condition of the agreement to serve, the TEACH Grant must be repaid as a Federal Direct Unsubsidized Loan, and the recipient will be obligated to repay the full amount of each TEACH Grant and accrued interest from each disbursement date (§ 686.32(a)(3)(vi));

- Explain the circumstances, as described in § 686.43, under which a TEACH Grant will convert to a Federal Direct Unsubsidized Loan (§ 686.32(a)(3)(vii));
- Emphasize that once a TEACH Grant converts to a Federal Direct Unsubsidized Loan, it cannot reconvert to a grant (§ 686.32(a)(3)(viii));
- Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office (§ 686.32(a)(3)(ix));
- Describe the likely consequences of loan default, including adverse credit reports, garnishment of wages, Federal offset, and litigation (§ 686.32(a)(3)(x)); and
- Inform the grant recipient of sample monthly payment amounts based on a range of student loan indebtedness (§ 686.32(a)(3)(xi)).

Subsequent Counseling

In accordance with § 686.32(b)(1), if a student receives more than one TEACH Grant, the institution must ensure that the student receives additional counseling before the disbursement of each subsequent TEACH Grant. Section 686.32(b)(2) provides that subsequent counseling may be conducted by the same means as allowed for initial counseling in § 686.32(a)(2).

Under § 686.32(b)(3)(i) through (v), subsequent counseling must—

- Review the terms and conditions of the agreement to serve as described in § 686.12 (§ 686.32(b)(3)(i));
- Emphasize that if the grant recipient fails or refuses to complete the service obligation contained in the agreement to serve or any other condition of the agreement to serve, the TEACH Grant must be repaid as a Federal Direct Unsubsidized Loan, and the recipient will be obligated to repay the full amount of each TEACH Grant and accrued interest from each disbursement date (§ 686.32(b)(3)(ii));
- Explain the circumstances, as described in § 686.43, under which a TEACH Grant will convert to a Federal Direct Unsubsidized Loan (§ 686.32(b)(3)(iii));
- Emphasize that once a TEACH Grant converts to a Federal Direct Unsubsidized Loan, it cannot reconvert to a grant (§ 686.32(b)(3)(iv)); and
- Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office (§ 686.32(b)(3)(v)).

Exit Counseling

Section 686.32(c)(1) requires an institution to ensure that each grant recipient receives exit counseling before he or she ceases to attend the institution at a time determined by the institution. Section 686.32(c)(2) provides that subsequent counseling may be conducted by the same means as allowed for initial counseling in § 686.32(a)(2), except that in the case of a grant recipient enrolled in a correspondence program or in a study-abroad program, § 686.32(c)(2) states that the grant recipient may be provided with written counseling materials within 30 days after he or she completes the TEACH Grant-eligible program.

Section 686.32(c)(3) provides that within 30 days of learning that a grant recipient has withdrawn from the institution without the institution's knowledge, or from a TEACH Grant-eligible program, or failed to complete exit counseling as required, exit counseling must be provided either in-person, through interactive electronic means, or by mailing written counseling materials to the grant recipient's last known address.

Under § 686.32(c)(4)(i) through (xv), exit counseling must—

- Inform the grant recipient of the four-year service obligation that must be completed within the first eight calendar years after completing a TEACH Grant-eligible program in accordance with § 686.12 (§ 686.32(c)(4)(i));
- Inform the grant recipient of the opportunity to request a suspension of the eight-year period for completing the service obligation and the conditions under which a suspension may be granted in accordance with § 686.41 (§ 686.32(c)(4)(ii));
- Provide the grant recipient with information about how to identify low-income schools and high-need fields (§ 686.32(c)(4)(iii));
- Inform the grant recipient that, in order for teaching to count toward the service obligation, the high-need field in which he or she has prepared to teach must be one of the six high-need fields listed in § 686.2, or a high-need field listed in the Nationwide List at the time and for the State in which the grant recipient begins teaching in that field (§ 686.32(c)(4)(iv));
- Explain that the grant recipient will be required to submit to the Secretary each year written documentation of his or her status as a highly qualified teacher in a high-need field at a low-income school, or of his or her intent to complete the service obligation, until the date the service obligation has been met or the date that the grant is converted to a loan, whichever occurs first (§ 686.32(c)(4)(v));
- Explain the circumstances, as described in § 686.43, under which a TEACH Grant will convert to a Federal Direct Unsubsidized Loan (§ 686.32(c)(4)(vi));
- Emphasize that once a TEACH Grant converts to a loan it cannot be reconverted to a grant (§ 686.32(c)(4)(vii));
- Inform the grant recipient of the average anticipated monthly repayment amount based on a range of student loan indebtedness if the TEACH Grants convert to a Federal Direct Unsubsidized Loan (§ 686.32(c)(4)(viii));
- Review for the grant recipient available repayment options if the TEACH Grant converts to a Federal Direct Unsubsidized Loan, including the standard repayment, extended repayment, graduated repayment, income-contingent and income-based repayment plans, and loan consolidation (§ 686.32(c)(4)(ix));
- Suggest debt-management strategies to the grant recipient that would facilitate repayment if the TEACH Grant converts to a loan (§ 686.32(c)(4)(x));
- Explain to the grant recipient how to contact the Secretary (§ 686.32(c)(4)(xi));
- Describe the likely consequences of loan default, including adverse credit reports, garnishment of wages, Federal offset, and litigation (§ 686.32(c)(4)(xii));
- Review the conditions under which the grant recipient may defer or forbear repayment, obtain a full or partial discharge, or receive teacher loan forgiveness if the TEACH Grant converts to a loan (§ 686.32(c)(4)(xiii));
- Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office (§ 686.32(c)(4)(xiv)); and
- Inform the grant recipient of the availability of title IV loan information in the National Student Loan Data System (NSLDS) (§ 686.32(c)(4)(xv)).

Section 686.32(d) requires the institution to maintain documentation substantiating the institution's compliance with the TEACH Grant initial, subsequent, and exit counseling requirements for each TEACH Grant recipient.

Proposed Regulations: We propose to amend the initial, subsequent, and exit counseling requirements, and to add a new conversion counseling requirement in § 686.32(e). The Secretary would

provide conversion counseling to a TEACH Grant recipient at the time we convert a TEACH Grant to a Direct Unsubsidized Loan.

Initial and Subsequent Counseling

We propose to amend the current initial counseling requirement in § 686.32(a)(3)(iii) to require that the counseling explain to the recipient that for teaching to count toward a grant recipient's service obligation, the high-need field in which the grant recipient has prepared to teach must be one of the six high-need fields listed in § 686.2, or must be a high-need field listed in the Nationwide List for the State in which the grant recipient teaches—

(1) At the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or

(2) For teaching service performed on or after July 1, 2010, at the time the recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field subsequently loses its high-need designation for that State before the grant recipient begins teaching in that field.

We propose to redesignate current § 686.32(a)(3)(viii), in initial counseling, as (a)(3)(ix), and redesignate current § 686.32(b)(3)(iv), in subsequent counseling, as § 686.32(b)(3)(v), and to amend the redesignated paragraphs to state that the counseling must explain to the recipient that once a TEACH Grant converts to a Direct Unsubsidized Loan, it may reconvert to a grant only if—

(1) The Secretary determines that the grant converted to a loan in error; or

(2) In the case of a grant recipient whose TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with proposed new § 686.43(a)(1)(ii), within one year of the conversion date the grant recipient provides documentation showing that he or she is satisfying the service obligation within the eight-year service obligation period.

Finally, we propose to add new § 686.32(a)(3)(viii)(A) and (B) in initial counseling, and new § 686.32(b)(3)(iv)(A) and (B) in subsequent counseling. Proposed new § 686.32(a)(3)(viii)(A) and (b)(3)(iv)(A) would provide that the counseling must explain to the recipient that to avoid further accrual of interest as described in proposed § 686.12(b)(4)(ii), a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a Direct Unsubsidized Loan that the recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the conditions described in proposed § 686.43(a)(1)(ii).

Proposed new § 686.32(a)(3)(viii)(B) and (b)(3)(iv)(B) would provide that the counseling must explain that if a grant recipient requests that a TEACH Grant be converted to a Direct Unsubsidized Loan in accordance with proposed § 686.43(a)(1)(i), the conversion of the grant to a loan cannot be reversed.

Exit Counseling

We propose to revise § 686.32(c)(4)(i) to provide that exit counseling must review the terms and conditions of the TEACH Grant agreement to serve or repay as described in § 686.12 and emphasize to the grant recipient that the four-year service obligation must be completed within the eight-year period described in § 686.12.

We propose to add to the exit counseling requirements new § 686.32(c)(4)(ii), which would state that exit counseling must explain the treatment of a grant recipient who withdraws from and then re-enrolls in a TEACH Grant-eligible program at a TEACH Grant-eligible institution as described in proposed § 686.12(c). We would redesignate current § 686.32(c)(4)(ii), (iii), and (iv) as (c)(4)(iii), (iv), and (v), respectively.

We propose to revise redesignated § 686.32(c)(4)(v) by making the same changes we are proposing to make in § 686.32(a)(3)(iii) for initial counseling, as described earlier.

The proposed regulations would remove current § 686.32(c)(4)(v) and add new § 686.32(c)(4)(vi) and (vii).

Proposed new § 686.32(c)(4)(vi) would specify that exit counseling must emphasize to the grant recipient that if he or she fails or refuses to complete the service obligation contained in the agreement to serve or repay or fails to meet any other condition of the agreement to serve or repay, the TEACH Grant must be repaid as a Direct Unsubsidized Loan, and the grant recipient will be obligated to repay the full amount of each grant and the accrued interest from each disbursement date.

Proposed new § 686.32(c)(4)(vii) would require exit counseling to explain to the grant recipient that the Secretary will, at least annually during the service obligation period, send the recipient the notice described in § 686.43(a)(2).

We propose to redesignate current § 686.32(c)(4)(vi) as (c)(4)(viii) and add new (c)(4)(ix). Proposed new (c)(4)(ix) would require exit counseling to provide grant recipients with the same information that we propose to include in new § 686.32(a)(3)(viii) and (b)(3)(iv) for initial and subsequent counseling, respectively, as described earlier.

The proposed regulations would redesignate current § 686.32(c)(4)(vii) as (c)(4)(x) and revise the redesignated paragraph by making the same changes as described earlier for proposed redesignated § 686.32(a)(3)(ix) and (b)(3)(v) in the initial and subsequent counseling regulations, respectively.

Finally, we propose to remove current §§ 686.32(c)(4)(viii), (ix), and (x), retain current § 686.32(c)(4)(xi), and remove current §§ 686.32(c)(4)(xii), (xiii), (xiv), and (xv).

Conversion Counseling

We propose to add a conversion counseling requirement in new § 686.32(e). Under proposed § 686.32(e)(1), at the time a TEACH Grant recipient's TEACH Grant is converted to a Direct Unsubsidized Loan, the Secretary would conduct conversion counseling with the recipient by interactive electronic means and by mailing written counseling materials to the most recent address provided by the recipient.

Proposed § 686.32(e)(2)(i) through (xv) would specify that conversion counseling—

(1) Informs the borrower of the average anticipated monthly repayment amount based on the borrower's indebtedness (§ 686.32(e)(2)(i));

(2) Reviews for the borrower available repayment plan options, including standard, graduated, extended, income-contingent, and income-based repayment plans, with a description of the different features of each plan and the difference in interest paid and total payments under each plan (§ 686.32(e)(2)(ii));

(3) Explains to the borrower the options to prepay the loan, to pay the loan on a shorter schedule, and to change repayment plans (§ 686.32(e)(2)(iii));

(4) Provides information on the effects of loan consolidation including, at a minimum, the effects of consolidation on total interest to be paid and length of repayment, the effects of consolidation on a borrower's underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities, and the options of the borrower to prepay the loan and to change repayment plans (§ 686.32(e)(2)(iv));

(5) Includes debt-management strategies that are designed to facilitate repayment (§ 686.32(e)(2)(v));

(6) Explains to the borrower the availability of Public Service Loan

Forgiveness (PSLF) and teacher loan forgiveness (§ 686.32(e)(2)(vi));

(7) Explains how the borrower may request reconsideration of the conversion of the TEACH Grant to a Direct Unsubsidized Loan if the borrower believes that the grant converted to a loan in error (§ 686.32(e)(2)(vii));

(8) Describes the likely consequences of default, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation (§ 686.32(e)(2)(viii));

(9) Informs the borrower of the grace period as described in § 686.43(c) (§ 686.32(e)(2)(ix));

(10) Provides a general description of the terms and conditions under which a borrower may obtain full or partial forgiveness or discharge of the loan (including under the PSLF Program), defer repayment of the loan, or be granted a forbearance on repayment of the loan, and provides a copy, either in print or by electronic means, of the information the Secretary makes available pursuant to section 485(d) of the HEA (§ 686.32(e)(2)(x));

(11) Requires the borrower to provide current information concerning their name, address, Social Security number, and driver's license number and State of issuance, as well as the borrower's permanent address (§ 686.32(e)(2)(xi));

(12) Reviews for the borrower information on the availability of the Student Loan Ombudsman's office (§ 686.32(e)(2)(xii));

(13) Informs the borrower of the availability of title IV loan information in the NSLDS and how NSLDS can be used to obtain title IV loan status information (§ 686.32(e)(2)(xiii));

(14) Provides a general description of the types of tax benefits that may be available to borrowers (§ 686.32(e)(2)(xiv)); and

(15) Informs the borrower of the amount of interest that has accrued on the converted TEACH Grants and explains that any unpaid interest will be capitalized at the end of the grace period (§ 686.32(e)(2)(xv)).

Reasons: To reflect the changes made by the HEOA to HEA section 420N(d)(1), as described earlier in this preamble, we are proposing to amend the current initial and exit counseling provisions that describe the conditions under which teaching in a high-need field may count towards satisfaction of the service obligation (§ 686.32(a)(3)(iii) for initial counseling, and redesignated § 686.32(c)(4)(v) for exit counseling). The proposed changes are consistent with the proposed changes in § 686.12(d).

We are proposing to add new § 686.32(a)(3)(viii), (b)(3)(iv), and (c)(4)(ix) to the initial, subsequent, and exit counseling regulations, respectively, in response to a recommendation from the TEACH Grant subcommittee. As explained in the discussions of the proposed changes to §§ 686.12 and 686.43, subcommittee members recommended that we include in the agreement to serve or repay and in the notice described in proposed § 686.43(a)(2) an explanation that if a grant recipient decides not to teach in a qualifying school or field, or for any other reason does not intend to satisfy the service obligation, the recipient can avoid further accrual of interest by asking the Secretary to convert the TEACH Grant to a Direct Unsubsidized Loan that the recipient can being repaying immediately, instead of waiting for the grant to be converted later. If a grant recipient requests loan conversion as soon as the recipient decides that he or she no longer intends to satisfy the service obligation and begins repaying the loan, it would reduce the amount of interest the recipient must pay on the converted grant because interest would be charged from the date of each TEACH Grant disbursement. The subcommittee members believed it was important for a grant recipient to understand that if at any point he or she no longer intends to satisfy the service obligation, it may be in the recipient's best interest to immediately ask the Secretary to convert the TEACH Grant to a loan so that the recipient can begin repaying the loan. For the same reason, the subcommittee recommended that we provide this information to grant recipients during initial, subsequent, and exit counseling. The subcommittee further recommended that we add a requirement for initial, subsequent, and exit counseling to explain that if a grant recipient who no longer intends to satisfy the service obligation asks the Secretary to convert a TEACH Grant to a loan, the loan cannot be reconverted to a grant. The subcommittee believed it was important for grant recipients to understand that while it may be beneficial to request loan conversion as soon as they decide that they no longer intend to satisfy the service obligation, the conversion of a grant to a loan at a recipient's request is permanent and cannot be reversed. The main negotiating committee supported these recommendations.

Section 686.32(a)(3)(viii) (in the initial counseling regulations), (b)(3)(iv) (subsequent counseling), and (c)(4)(vii) (exit counseling) provide that once a TEACH Grant is converted to a loan, the loan cannot be reconverted to a grant. For consistency with proposed changes in § 686.43, we initially proposed to revise these counseling provisions to state that once a TEACH Grant converts to a loan, it may reconvert to a grant if the grant converted to a loan in error. For the reasons explained in the discussion of the proposed changes to § 686.43, during the negotiated rulemaking process the Department proposed to further amend § 686.43 by adding new § 686.43(a)(5), which provides that if a grant recipient's TEACH Grant converts to a loan in accordance with § 686.43(a)(1)(ii), the Secretary will reconvert the loan to a grant if, within one year of the conversion date, the grant recipient provides the Secretary with documentation showing that he or she is satisfying the service obligation. The subcommittee and main committee supported this change and recommended that the information in proposed new § 686.43(a)(5) be provided to grant recipients during initial, subsequent, and exit counseling, so that grant recipients would understand the conditions under which a converted TEACH Grant can be reconverted to a loan before they receive a grant and before they begin the service obligation period. Accordingly, we are proposing to add the information contained in proposed § 686.43(a)(5) to the initial, subsequent, and exit counseling regulations.

In the exit counseling regulations, we propose to expand § 686.32(c)(4)(i) in response to a recommendation from the subcommittee that the main negotiating committee accepted. Specifically, the subcommittee believed that grant recipients would benefit from receiving a review of all the terms and conditions of the agreement to serve or repay during exit counseling, in addition to a reminder of the timeframe during which the four-year service obligation must be completed.

We are proposing to add new § 686.32(c)(4)(ii) to the exit counseling requirements because it is important for grant recipients who receive exit counseling prior to withdrawing from an institution to understand the terms and conditions that will apply if they later decide to return to school and re-enroll in the same or a different TEACH Grant-eligible program.

We are proposing to remove current § 686.32(c)(4)(v) from the exit counseling regulations for consistency with proposed changes in § 686.43 that eliminate the requirement for grant recipients to annually provide the Secretary with documentation of their

progress toward satisfying the service obligation or notice of their intent to satisfy the service obligation.

We propose to add new § 686.32(c)(4)(vi) based on the subcommittee's recommendation that it would be important for exit counseling to explain to grant recipients in greater detail the consequences of failing or refusing to complete the service obligation as described in the agreement to serve or repay, so that they will understand those consequences before they begin the service obligation period.

We propose to add new § 686.32(c)(4)(vii) in response to a recommendation from the subcommittee, which was supported by the main committee, that exit counseling tell grant recipients about the notice from the Secretary that they will receive at least annually during the service obligation period, as described in proposed § 686.43(a)(2), so that the recipients will know what types of communications they can expect to receive from the Secretary during their service obligation period.

We propose to remove current § 686.32(c)(4)(viii) through (x) and (xii) through (xv) from the exit counseling requirements. These paragraphs require exit counseling to cover information that is relevant to a grant recipient only if a TEACH Grant is converted to a Direct Unsubsidized Loan, including, but not limited to, anticipated monthly loan payment amounts, available repayment options, debt management strategies, the consequences of defaulting on a loan, and loan deferment, forbearance, and forgiveness options. We propose to retain current § 686.32(c)(4)(xi), which states that exit counseling must explain to the grant recipient how to contact the Secretary.

The TEACH Grant subcommittee believed that it was not necessary to provide grant recipients with detailed information about loan terms and conditions unless and until their TEACH Grants convert to loans. If a grant recipient's TEACH Grant later converts to a Direct Unsubsidized Loan, the conversion may not occur until several years after the exit counseling has been provided. Therefore, the subcommittee recommended that we remove from exit counseling the requirements to provide information that would apply only if a grant converts to a loan, and instead include this information, along with additional loan-specific information, as part of a new conversion counseling requirement. The subcommittee recommended that the Secretary provide conversion counseling to a grant recipient at the time of loan conversion, so that the recipient would be informed of important information about loan terms and conditions shortly before he or she must begin repayment on the loan.

For the reasons explained above, we are proposing to add a new conversion counseling requirement in § 686.32(e). Because the Secretary makes the determination to convert a TEACH Grant to a Direct Unsubsidized Loan, the Secretary would provide the conversion counseling when the recipient's grant converts to a loan. Based on the recommendations of the subcommittee, we are proposing that the Secretary would provide conversion counseling through interactive electronic means and by mailing written counseling materials to the most recent address provided by the grant recipient. The subcommittee believed it was important to mail written counseling materials to grant recipients, to ensure that recipients who fail to complete the interactive electronic counseling would still receive the conversion counseling information.

The subcommittee also believed that it would be appropriate to base the proposed new conversion counseling regulations on the current Direct Loan Program exit counseling regulations in 34 CFR 685.304(b), since Direct Loan exit counseling is intended to provide information that is important for borrowers to know as they prepare to begin repayment of their loans. Accordingly, the subcommittee recommended language that would require conversion counseling to provide grant recipients with much of the same information that is provided to Direct Loan borrowers during exit counseling, sometimes with minor modifications, and with additional information that is specific to grant recipients whose TEACH Grants have been converted to Direct Unsubsidized Loans. The proposed conversion counseling regulations would not include certain elements of the Direct Loan exit counseling regulations that are not relevant to TEACH Grant recipients whose grants have converted to loans. The proposed conversion counseling would include all the elements that we are proposing to remove from the current TEACH Grant exit counseling regulations, as explained earlier.

Proposed § 686.32(e)(2)(i) through (v), (viii), and (x) through (xiv), as described under ''Proposed Regulations,'' would mirror the corresponding Direct Loan exit counseling regulations in 34 CFR 685.304(b)(4)(i), as shown in the table below.

Proposed § 686.32(e)	Corresponding regulation in 34 CFR 685.304(b)
§ 686.32(e)(2)(i)	§ 685.304(b)(4)(i).
§ 686.32(e)(2)(ii)	§ 685.304(b)(4)(ii).
§ 686.32(e)(2)(iii)	§ 685.304(b)(4)(iii).
§ 686.32(e)(2)(iv)	§ 685.304(b)(4)(iv).
§ 686.32(e)(2)(v)	§ 685.304(b)(4)(v).
§ 686.32(e)(2)(viii)	§ 685.304(b)(4)(viii).
§ 686.32(e)(2)(x)	§ 685.304(b)(4)(ix).
§ 686.32(e)(2)(xi)	§ 685.304(b)(4)(xiv).
§ 686.32(e)(2)(xii)	§ 685.304(b)(4)(x).
§ 686.32(e)(2)(xiii)	§ 685.304(b)(4)(xi).
§ 686.32(e)(2)(xiv)	§ 685.304(b)(4)(xiii).

Generally, the language in the proposed TEACH Grant conversion counseling provisions listed in the table above is identical to the language in the corresponding Direct Loan exit counseling regulations. However, while the Direct Loan exit counseling provision in 34 CFR 685.301(b)(4)(i) specifies that exit counseling must inform the borrower of the average anticipated monthly payment amount based on either the borrower's indebtedness or on average student borrower indebtedness, the corresponding regulation in proposed § 686.32(e)(2)(i) would specify that conversion counseling informs the borrower of the average anticipated monthly payment amount based only on the borrower's indebtedness, as the subcommittee believed it would be most

helpful for borrowers to know what they can expect to pay each month based on their actual loan debt. In proposed § 686.32(e)(2)(x), we would specify that loan forgiveness options discussed in the counseling would include the PSLF Program. The corresponding Direct Loan exit counseling regulation includes only a general statement about the conditions under which a borrower may obtain forgiveness or discharge of a loan, without specifically mentioning PSLF. The subcommittee felt it was important to highlight the availability of the PSLF Program, since grant recipients whose TEACH Grants converted to loans could potentially have some of their Direct Loan debt forgiven in the future through the PSLF Program.

Based on the subcommittee's recommendations, we also propose to specify in § 686.32(e)(2)(vi), (vii), (ix), and (xv) that conversion counseling must explain the availability of PSLF and teacher loan forgiveness, explain how the borrower may request reconsideration of the conversion of the TEACH Grant to a loan if the borrower believes that the grant was converted to a loan in error, inform the borrower of the grace period as described in § 686.43(c), and inform the borrower of the amount of interest that has accrued on the converted TEACH Grant, with an explanation that any unpaid interest will be capitalized at the end of the grace period. The subcommittee believed that it was important to provide this additional information to grant recipients whose TEACH Grants have been converted to loans, so that they would know about the options for loan forgiveness, the opportunity to request reconsideration if they believe their grant was converted to a loan in error, and when they must begin repaying the converted TEACH Grant and how they can avoid capitalization of accrued interest.

Documenting the Service Obligation (§ 686.40)

Statute: HEA section 420N(b)(1)(D) requires a TEACH Grant applicant to agree to submit evidence of qualifying employment, in the form of a certification by the chief administrative officer of the school, upon completion of each year of service.

HEA section 420N(b)(1)(C) requires an applicant for a TEACH Grant to agree to teach in one of the fields of mathematics, science, foreign language, bilingual education, special education, reading specialist, or another field documented as high-need by the Federal Government, State government, or LEA, and approved by the Secretary.

HEA section 420N(b)(1)(B) requires a TEACH Grant applicant to agree to teach in a school described in HEA section 465(a)(2)(A). Section 465(c)(2) of the HEA provides that if a teacher performs service in a school that meets the requirements of section 465(a)(2)(A) of the HEA in any year, and in a subsequent year that school fails to meet the requirements of section 465(a)(2)(A), the teacher may continue to teach in the school and will be eligible for loan cancellation pursuant to section 465(a)(1) of the HEA.

The HEA does not address the treatment of TEACH Grant recipients who are unable to complete a full academic year of teaching service.

Current Regulations: Section 686.40(a) provides that unless a TEACH Grant recipient has qualified for a temporary suspension of the period for completing the service obligation under § 686.41 or a discharge of the agreement to serve under § 686.42, the recipient must, within 120 days of completing or otherwise ceasing enrollment in a program of study for which a TEACH Grant was received, confirm to the Secretary in writing that—

(1) He or she is employed as a full-time teacher in accordance with the terms and conditions of the agreement to serve described in § 686.12; or

(2) He or she is not yet employed as a full-time teacher but intends to meet the terms and conditions of the agreement to serve described in § 686.12.

Section 686.40(b) provides that if a grant recipient is performing full-time teaching service in accordance with the agreement to serve, the grant recipient must, upon completion of each of the four required years of teaching, provide to the Secretary documentation of that teaching service on a form approved by the Secretary and certified by the chief administrative officer of the school where the grant recipient is teaching. The documentation must show that the grant recipient is teaching in a low-income school.

Section 686.40(b) further provides that if the school where the grant recipient is employed meets the requirements of a low-income school in the first year of the recipient's four years of teaching, but fails to meet those requirements in subsequent years, those subsequent years of teaching qualify for purposes of satisfying the service obligation.

Section 686.40(c)(1) states that the documentation required under § 686.40(b) must also show that the grant recipient—

(1) Taught a majority of classes during the period being certified in any of the high-need fields of mathematics, science, a foreign language, bilingual education, English language acquisition, special education, or as a reading specialist; or

(2) Taught a majority of classes during the period being certified in a State in another high-need field designated by that State and listed in the Nationwide List, except that teaching service does not satisfy the requirements of the agreement to serve if that teaching service is in a geographic region of a State or in a specific grade level not associated with a high-need field of a State designated in the Nationwide List as having a shortage of elementary or secondary school teachers.

Section 686.40(c)(2) provides that if a grant recipient begins qualified full-time teaching service in a State in a high-need field designated by that State and listed in the Nationwide List, and in subsequent years that high-need field is no longer designated by the State in the Nationwide List, the grant recipient will be considered to continue to perform qualified full-time teaching service in a high-need field of that State and to continue to fulfill the service obligation.

Section 686.40(d) specifies that the documentation of teaching service provided by a grant recipient must also include evidence that the recipient is a highly qualified teacher.

Section 686.40(e) provides that for purposes of completing the service obligation, an elementary or secondary academic year may be counted as one of the grant recipient's four complete academic years if the grant recipient completes at least one-half of the academic year and the grant recipient's school employer considers the grant recipient to have fulfilled his or her contract requirements for the academic year for the purposes of salary increases, tenure, and retirement if the grant recipient is unable to complete an academic year due to—

(1) A condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2612(a)(1) and (3)); or

(2) A call or order to active duty status for more than 30 days as a member of a reserve component of the Armed Forces named in 10 U.S.C. 10101, or service as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), under a call to active service in connection with a war, military operation, or a national emergency.

Finally, § 686.40(f) provides that a grant recipient who taught in more than one qualifying school during an academic year and demonstrates that the combined teaching service was the

equivalent of full-time, as supported by the certification of one or more of the chief administrative officers of the schools involved, is considered to have completed one academic year of qualifying teaching.

Proposed Regulations: We propose to remove current § 686.40(a), which requires grant recipients to provide certain information to the Secretary within 120 days of ceasing enrollment in a program of study for which a TEACH Grant was received, and redesignate current § 686.40(b) as § 686.40(a). We further propose to—

(1) Revise and restructure redesignated § 686.40(a) to include, with certain changes, the service obligation documentation requirements that are in current §§ 686.40(c) and (d);

(2) Remove current § 686.40(c) and (d); and

(3) Redesignate current § 686.40(e) and (f) as § 686.40(b) and (c), respectively.

We propose to remove the language in current § 686.40(c)(1)(ii) stating that teaching in a high-need field listed in the Nationwide List does not satisfy the service obligation requirements if that teaching service is in a geographic region of a State or in a specific grade level not associated with a high-need field of a State designated in the Nationwide List as having a shortage of elementary or secondary school teachers. We also propose to replace the information in current § 686.40(c)(2) with a cross-reference to § 686.12(d) in proposed new § 686.40(a)(2)(ii).

In the introductory text to redesignated § 686.40(b), we propose to retain the current provision stating that if a grant recipient completes at least one-half of an academic year of teaching and the grant recipient's school employer considers the grant recipient to have fulfilled his or her contract requirements for the academic year for the purposes of salary increases, tenure, and retirement, the partial year of teaching may be counted as one of the required four complete academic years of teaching if the grant recipient was unable to teach for the remainder of the year due to certain conditions described in proposed redesignated § 686.40(b)(1) through (3).

In redesignated § 686.40(b)(2), we propose that a call or order to Federal or State active duty, or active service as a member of a Reserve Component of the Armed Forces named in 10 U.S.C 10101, or service as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), would be a condition that allows for less than a full school year of teaching to count as one year toward satisfaction of the TEACH Grant service obligation, if the other requirements described in the introductory text to redesignated § 686.40(b) are met. We propose to eliminate the current requirement that National Guard service qualifies only under a call to active service in connection with a war, military operation, or a national emergency.

Finally, we propose to add, in § 686.40(b)(3), a new circumstance under which less than a full year of teaching may count as a full year toward satisfaction of the TEACH Grant service obligation. Specifically, proposed § 686.40(b)(3) would provide that a grant recipient who completes at least half of an academic year of qualifying teaching and who meets the other requirements described in the redesignated § 686.40(b) introductory text could have that partial year of teaching counted as one full year of the four required years of teaching if the recipient is unable to teach for the remainder of the academic year because he or she resides in or is employed in a federally declared major disaster area as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42. U.S.C. 5122(2)).

Reasons: We are proposing to eliminate current § 686.40(a) for consistency with changes proposed in § 686.43, and because we believe that requiring grant recipients to inform the Secretary of their status within 120 days of ceasing enrollment in a program for which a TEACH Grant was received adds unnecessary complexity to the requirements for documenting the service obligation.

To present service obligation documentation requirements more clearly and concisely, we are proposing to include in redesignated § 686.40(a) the provisions that are in current §§ 686.40(b), (c), and (d), and to cover the requirements related to teaching in a high-need field through a cross-reference to § 686.12(d) instead of repeating those requirements in § 686.40(a).

Further, we are proposing to eliminate the provision in current § 686.40(c)(1)(ii) that prohibits a TEACH Grant recipient from satisfying the service obligation by teaching in a geographic region of a State or in a specific grade level not associated with a high-need field for a State that is designated in the Nationwide List as having a shortage of elementary or secondary school teachers. Subcommittee members believed that this provision of the current regulations is inconsistent with the goal of the TEACH Grant Program to encourage teachers to accept positions in low-income schools where there is an urgent need for teachers. The subcommittee members noted that in many parts of the country there is a general shortage of teachers in specific geographic regions, such as in rural areas, or in certain grade levels, without regard to subject areas taught. For example, a State might have an urgent need for elementary school teachers, or a need for teachers in all subject areas in a particular county. However, under the current TEACH Grant regulations a grant recipient may not satisfy the service obligation simply by teaching at a low-income elementary school in a State where there is a shortage of elementary school teachers as documented in the Nationwide List, or by teaching in a low-income school located in a particular geographic area of a State where there is a shortage of teachers as documented in the Nationwide List, unless the grant recipient is also teaching in a subject area that is a high-need field. The subcommittee members urged the full committee to eliminate the current regulatory limitation, to enable more grant recipients to teach where there is the greatest need for teachers. With the full committee having agreed to the subcommittee's recommendation, the Department proposes this change.

A non-Federal negotiator on the negotiated rulemaking committee representing the interests of military service members recommended that we make the changes in redesignated § 686.40(b)(2) to more accurately reflect current active duty provisions. We agreed to make the suggested changes.

We are proposing to add residing in or being employed in a federally declared major disaster area as another condition that would allow less than a full year of teaching to count as one full year toward satisfaction of the service obligation because we believe that grant recipients who teach for part of an academic year but who are unable to teach for the remainder of the year as a result of their home or place of employment being adversely affected by a natural disaster should receive credit for the partial year of qualifying teaching that was completed, assuming that the other conditions described in the introductory text of redesignated § 686.40(b) are met.

Periods of Suspension (§ 686.41)

Statute: The HEA does not address suspensions of the period for completing the TEACH Grant service obligation.

Current Regulations: Section 686.41(a)(1) provides that a grant recipient who has completed or who has

otherwise ceased enrollment in a program for which he or she received TEACH Grant funds may request a suspension of the eight-year period for completion of the service obligation based on—

(1) Enrollment in a program of study for which the recipient would be eligible for a TEACH Grant or in a program of study that has been determined by a State to satisfy the requirements for certification or licensure to teach in the State's elementary or secondary schools;

(2) A condition that is a qualifying reason for leave under the FMLA; or

(3) A call or order to active duty status for more than 30 days as a member of a reserve component of the Armed Forces named in 10 U.S.C. 10101, or service as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), under a call to active service in connection with a war, military operation, or a national emergency.

Section 686.41(a)(2) provides that a grant recipient may receive a suspension in one-year increments that—

(1) Does not exceed a combined total of three years for suspensions based on enrollment in a qualifying period of study or a condition that is a qualifying reason for leave under the FMLA; or

(2) Does not exceed a total of three years for suspensions based on qualifying military service.

Section 686.41(b) specifies that a grant recipient, or his or her representative in the case of a grant recipient who requests a suspension based on qualifying military service, must apply for a suspension in writing on a form approved by the Secretary prior to being subject to any of the conditions under § 686.43(a)(1) through (5) that would cause the recipient's TEACH Grant to be converted to a Federal Direct Unsubsidized Loan.

Section 686.41(c) requires a grant recipient, or his or her representative in the case of a grant recipient who requests a suspension based on qualifying military service, to provide the Secretary with documentation supporting the suspension request as well as current contact information including home address and telephone number.

Proposed Regulations: In § 686.41(a)(1), we propose to add three new circumstances that would qualify a TEACH Grant recipient for a temporary suspension of the eight-year service obligation period, and to amend current § 686.41(a)(1)(iii), which we propose to redesignate as § 686.41(a)(1)(iv).

We propose to redesignate current §§ 686.41(a)(1)(ii) and (iii) as (a)(1)(iii) and (iv), respectively, and add new § 686.41(a)(1)(ii), which would provide that a grant recipient may request a suspension of the eight-year service obligation period while he or she is receiving State-required instruction or otherwise fulfilling requirements for licensure to teach in a State's elementary or secondary schools.

We propose to revise redesignated § 686.41(a)(1)(iv) (current § 686.41(a)(1)(iii)) to provide that a grant recipient may request a suspension of the service obligation period based on a call to order to Federal or State active duty or active service as a member of the Reserve Component of the Armed Forces named in 10 U.S.C. 10101, or service as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5). The proposed revisions to redesignated § 686.41(a)(1)(iv) would remove the current requirements that the active duty status must be for more than 30 days, and that a suspension based on service as a member of the National Guard on full-time Guard duty must be under a call to active service in connection with a war, military operation, or a national emergency.

Under proposed new § 686.41(a)(1)(v), a grant recipient could request a suspension of the eight-year period for completing the service obligation based on military orders for the recipient's spouse for deployment with a military unit or as an individual in support of a call to Federal or State active duty or active service, or a change of permanent duty station from a location in the continental United States to a location outside of the continental United States or from a location in a State to any location outside of that State.

Under proposed new § 686.41(a)(1)(vi), a grant recipient could request a suspension of the eight-year period for completing the service obligation due to residing in or being employed in a federally declared major disaster area as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

We propose to revise § 686.41(a)(2) to specify the maximum periods of time for which a grant recipient may receive a suspension of the eight-year service obligation under the current and proposed new suspension conditions.

Revised § 686.41(a)(2) introductory text would continue to provide that for all suspension conditions, a grant recipient may receive suspensions in one-year increments.

Under proposed § 686.41(a)(2)(i), a grant recipient could receive suspensions under §§ 686.41(a)(1)(i), (ii), and (iii) that do not exceed a combined total of three years. Current § 686.41(a)(2)(ii) would continue to provide that a grant recipient may receive suspensions under redesignated § 686.41(a)(2)(iv) (current § 686.41(a)(1)(iii)) that do not exceed a total of three years.

Proposed § 686.41(a)(2)(iii) and (v) would establish maximum three-year suspension limits for suspensions granted under proposed new § 686.41(a)(1)(v) and (vi), respectively.

We propose to revise § 686.41(b) and (c) to provide that, as is currently permitted for suspensions under current § 686.41(a)(1)(iii) (redesignated as § 686.41(a)(1)(iv)), a TEACH Grant's representative may request a suspension under proposed new § 686.41(a)(1)(vi) and provide the documentation supporting the suspension request on behalf of the recipient.

We propose to add § 686.41(d), which would provide that, on a case-by-case basis, the Secretary may grant a grant recipient a temporary suspension of the period for completing the service obligation if the Secretary determines that the recipient was unable to complete a full academic year of teaching or begin the next academic year of teaching due to exceptional circumstances significantly affecting the operation of the school or educational service agency where the grant recipient was employed or the grant recipient's ability to teach.

Finally, we propose to add § 686.41(e), which would provide that the Secretary notifies the grant recipient of the outcome of the application for a suspension.

Reasons: The Department proposes a new suspension condition that would allow a grant recipient to request a suspension of the service obligation period based on residing in or being employed in a federally declared major disaster area, because we believe it is appropriate to allow for suspensions in circumstances when a grant recipient is temporarily unable to perform qualifying teaching service due to being adversely affected by a federally declared disaster. The proposed new disaster suspension is consistent with actions previously taken by the Department under the authority granted by the U.S. Congress through the Bipartisan Budget Act of 2018 (Public Law 115–123) to waive or modify certain requirements of the HEA for the purpose of assisting individuals and institutions affected by hurricanes Harvey, Irma, and Maria. The Department used this authority to suspend the service obligation period

for TEACH Grant recipients in Puerto Rico and the U.S. Virgin Islands who were temporarily unable to teach due to extended hurricane-related closures of elementary and secondary schools. The proposed new suspension would provide the same benefit to TEACH Grant recipients affected by disasters in other parts of the United States. The Department further proposes that suspensions for this circumstance would be granted in one-year increments that do not exceed a total of three years. The TEACH Grant subcommittee supported the Department's proposed new suspension condition, and also recommended additional suspension options to cover certain other common circumstances that could impact a grant recipient's ability to complete the service obligation within the eight-year period.

The subcommittee noted that in some cases a grant recipient who is certified to teach in one State may move to a different State and be unable to teach in that State until he or she has received State-required instruction provided by the State or otherwise fulfilled State-requirements for licensure to teach in that State's elementary or secondary schools. To ensure that the grant recipient would be able to complete the required four years of teaching within the eight-year service obligation period, the subcommittee members recommended that, in this circumstance, the grant recipient be allowed to receive a temporary suspension of the eight-year period while he or she is fulfilling the new State's teacher licensure requirements. Given that these requirements may vary from State to State, we invite comments on how to best formulate this proposed suspension condition.

We are proposing the changes in redesignated § 686.41(a)(1)(iv) in response to a recommendation by members of the main negotiating committee that we update the current regulatory language to better conform with the terminology used by the military.

The subcommittee recommended that we also provide a new suspension option for grant recipients who are military spouses to cover circumstances where the recipient's spouse receives military orders for deployment with a military unit or as an individual in support of a call to Federal or State active duty or active service, or receives orders for a change of permanent duty station from a location in the continental United States to a location outside of the continental United States or from a location in a State to any location outside that State. Subcommittee members noted that if a grant recipient accompanies his or her spouse on a military reassignment, it may not be possible for the recipient to find a teaching position in a high-need field at a low-income school in the new location, and they felt that it would be unfair to the grant recipient to not allow for a temporary suspension of the service obligation period in this circumstance.

The current regulations at § 686.41(a)(2)(i) specify that periods of suspension based on enrollment in a qualifying program (§ 686.41(a)(1)(i)) or a condition that is a qualifying reason for leave under the FMLA (current § 686.41(a)(1)(ii), to be redesignated as § 686.41(a)(1)(iii)) may not exceed a combined total of three years. Subcommittee members recommended that this combined three-year limit should also include the proposed new suspension condition based on fulfilling requirements for licensure to teach in a State's elementary or secondary schools. The subcommittee did not believe it was necessary to establish a separate maximum time period for the proposed new suspension, because a recipient who needs to fulfill State requirements to teach would likely satisfy those requirements either by completing a program of study at an institution or through State-provided instruction, but not both. Thus, the subcommittee felt that it was reasonable to expand the existing combined three-year limit in § 686.41(a)(2)(i) to include the proposed new suspension.

Consistent with the current three-year maximum period for suspensions based on qualifying military service and with the Department's proposal to set a three-year maximum for the proposed new suspension for grant recipients who reside in or are employed in a federally declared major disaster area, the subcommittee recommended that the regulations set a three-year limit for the proposed new suspension for military spouses under § 686.41(a)(1)(v), and provide for the new military spouse suspension to be granted in one-year increments, the same as the regulations provide for all other suspensions.

Consistent with the existing regulatory provision that allows for a grant recipient's representative to submit a request for a suspension based on qualifying military service on behalf of the recipient and provide any required documentation, the subcommittee recommended that the same be allowed in the case of a grant recipient who qualifies for a suspension based on residing in or being employed in a federally declared major disaster area. As in the case of a grant recipient who is performing military service, a grant recipient who is adversely affected by a disaster may find it difficult to submit a suspension request and any required supporting documentation. Allowing for a representative to submit the suspension request and documentation on the grant recipient's behalf would ease the burden on the recipient. The proposed changes in § 686.41(b) and (c) reflect this recommendation.

The subcommittee believed there could be other unforeseen circumstances that might temporarily prevent a grant recipient from fulfilling the service obligation requirements, and recommended adding a provision allowing the Secretary to grant temporary suspensions on a case-by-case basis if the Secretary determines that there are exceptional circumstances affecting the operation of the school or educational agency where a recipient teaches or the recipient's ability to teach.

Finally, to ensure that grant recipients are informed of the status of an application for suspension, the subcommittee recommended specifying in the regulations that the Secretary notifies the grant recipient regarding the outcome of an application for suspension.

Discharge of Agreement To Serve (§ 686.42)

Statute: Section 420N(d)(2) of the HEA provides for the Secretary to establish by regulation categories of extenuating circumstances under which a TEACH Grant recipient who is unable to fulfill all or part of the recipient's service obligation may be excused from fulfilling that portion of the service obligation.

Current Regulations: Current regulations provide for discharge of the TEACH Grant service obligation based on the grant recipient's death, TPD, or extended active duty military service.

Death Discharge

Current § 686.42(a)(1) contains the criteria under which the Secretary discharges an agreement to serve based on the death of a TEACH Grant recipient.

TPD Discharge

Current § 686.42(b)(1) provides that a grant recipient's agreement to serve is discharged if the recipient becomes totally and permanently disabled, as defined in 34 CFR 682.200(b), and the grant recipient applies for and satisfies the eligibility requirements for a TPD discharge in accordance with 34 CFR 685.213.

Current § 686.42(b)(2) specifies that the eight-year time period in which the grant recipient must complete the service obligation remains in effect during the conditional TPD discharge period described in 34 CFR 685.213(c)(2) unless the grant recipient is eligible for a suspension based on a condition that is a qualifying reason for leave under the FMLA.

Under current § 686.42(b)(3), interest continues to accrue on each TEACH Grant disbursement unless and until the TEACH Grant recipient's agreement to serve is discharged based on the recipient's TPD.

Current § 686.42(b)(4) provides that if the grant recipient satisfies the criteria for a TPD discharge during and at the end of the three-year conditional discharge period, the Secretary discharges the grant recipient's service obligation.

Finally, current § 686.42(b)(5) provides that if, at any time during or at the end of the three-year conditional discharge period, the Secretary determines that the grant recipient does not meet the eligibility criteria for a TPD discharge, the Secretary ends the conditional discharge period and the grant recipient is once again subject to the terms of the agreement to serve.

Military Service Discharge

Current § 686.42(c) provides that a TEACH Grant recipient who has completed or who has otherwise ceased enrollment in a program for which he or she received TEACH Grants and has exceeded the maximum period of time allowed for a military service suspension under § 686.41(a)(2)(ii) may qualify for a proportional discharge of his or her service obligation due to an extended call or order to active duty status. To apply for a military discharge, a grant recipient or his or her representative must submit a written request to the Secretary.

Current § 686.42(c)(2) provides that a grant recipient as described in current § 686.42(c)(1) may receive a—

(1) One-year discharge of the service obligation if a call or order to active duty status is for more than three years;

(2) Two-year discharge of the service obligation if a call or order to active duty status is for more than four years;

(3) Three-year discharge of the service obligation if a call or order to active duty status is for more than five years; or

(4) Full discharge of the service obligation if a call or order to active duty status is for more than six years.

Current § 686.42(c)(3) requires a grant recipient or his or her representative to provide the Secretary with—

(1) A written statement from the grant recipient's commanding or personnel officer certifying that the grant recipient is on active duty in the Armed Forces of the United States and the dates on which the grant recipient's service began and is expected to end; or

(2) A copy of the grant recipient's official military orders, and a copy of the grant recipient's military identification.

Current § 686.42(c)(3) specifies that for military discharge purposes, the Armed Forces means the Army, Navy, Air Force, Marine Corps, and the Coast Guard.

Current § 686.42(d)(5) provides that based on a request for a military discharge from a grant recipient or his or her representative, the Secretary will notify the grant recipient or the representative of the outcome of the discharge request, and specifies that for the portion on the service obligation that remains, the grant recipient remains responsible for fulfilling the service obligation in accordance with § 686.12.

Proposed Regulations: In current § 686.42(b)(1), we propose to replace the cross-reference to the definition of ''totally and permanently disabled'' in 34 CFR 682.200(b) with a cross-reference to the definition of that term in § 685.102(b). We further propose to remove current §§ 686.42(b)(2) through (5) and add new §§ 686.42(b)(2) through (4).

New § 686.42(b)(2) would provide that if at any time the Secretary determines that the grant recipient does not meet the requirements of the three-year period following the discharge as described in 34 CFR 685.213(b)(7), the Secretary will notify the grant recipient that the grant recipient's obligation to satisfy the terms of the agreement to serve or repay is reinstated.

New § 686.42(b)(3) would provide that the Secretary's notification under § 686.42(b)(2) will: (1) Include the reason or reasons for the reinstatement; (2) provide information on how the grant recipient may contact the Secretary if the grant recipient has questions about the reinstatement or believes that the agreement to serve or repay was reinstated based on incorrect information; and (3) inform the grant recipient that he or she must satisfy the service obligation within the portion of the eight-year period that remained after the date of the discharge.

New § 686.42(b)(4) would provide that if the TEACH Grant made to a recipient whose TEACH Grant agreement to serve or repay is reinstated is later converted to a Direct Unsubsidized Loan, the recipient will not be required to pay interest that accrued on the TEACH Grant disbursements from the date the agreement to serve or repay was discharged until the date the agreement to serve or repay was reinstated.

Finally, we propose to amend current § 686.42(c)(4) to provide that for military discharge purposes, the Armed Forces also includes a reserve component of the Armed Forces named in 10 U.S.C. 10101, or the National Guard.

Reasons: The current TPD provisions for TEACH Grants in § 686.42(b) were modeled on the Direct Loan Program TPD discharge regulations that were in effect when the original TEACH Grant regulations were issued. On November 1, 2012, we published final regulations (77 FR 66088) that made significant changes to the regulations governing the TPD discharge process in the Direct Loan, FFEL, and Perkins loan programs. As a result, the language in current § 686.42(b) is obsolete. We are proposing to amend the provisions authorizing the discharge of a TEACH Grant recipient's agreement to serve or repay based on a TPD to conform to the current Direct Loan TPD regulations.

We propose to amend current § 686.42(c)(4) for consistency with current § 686.41(a)(1)(iii). Under current § 686.41(a)(1)(iii), a TEACH Grant recipient may qualify for a temporary suspension of the eight-year service obligation period based on qualifying service as a member of Armed Forces named in 10 U.S.C. 10101 or as a member of National Guard. We believe that extended periods of the same type of military service should also qualify a TEACH Grant recipient for discharge of some or all of their service obligation.

Obligation To Repay the Grant (§ 686.43)

Statute: Section 420N(c) of the HEA provides that if a TEACH Grant recipient fails or refuses to comply with the service obligation in the agreement under section 420N(b) of the HEA, the sum of the amounts of any TEACH Grants received by the recipient will, upon a determination of the recipient's failure or refusal to comply with the service obligation, be treated as a Federal Direct Unsubsidized Loan under title IV, part D of the HEA, and will be subject to repayment, together with interest accrued from the date of the TEACH Grant award, in accordance with terms and conditions specified by the Secretary in regulations.

The HEA does not address the reconversion of a loan to a TEACH Grant following the conversion of a TEACH Grant to a loan.

Current Regulations: Current § 686.43(a) provides that the TEACH Grant amounts disbursed to a grant recipient will be converted into a Direct Unsubsidized Loan, with interest accruing from the date of each grant disbursement, and will be collected by the Secretary in accordance with the relevant provisions of 34 CFR part 685, subpart A under the conditions described in current §§ 686.43(a)(1) through (5).

Current § 686.43(a)(1) provides that a TEACH Grant will be converted to a Direct Unsubsidized Loan if the grant recipient, regardless of enrollment status, requests that the TEACH Grant be converted into a loan because he or she has decided not to teach in a qualified school or field or for any other reason.

Current § 686.43(a)(2) provides that a TEACH Grant will convert to a loan if, within 120 days of ceasing enrollment in the institution prior to completing the TEACH Grant-eligible program, the grant recipient has failed to notify the Secretary in accordance with § 686.40(a).

Current § 686.43(a)(3) provides that a TEACH Grant will be converted to a loan if, within one year of ceasing enrollment in the institution prior to completing the TEACH Grant-eligible program, the grant recipient has not been determined eligible for a suspension of the eight-year period for completion of the service obligation as provided in § 686.41, re-enrolled in a TEACH Grant-eligible program, or begun creditable teaching service as described in § 686.12(b).

Current § 686.43(a)(4) provides that a TEACH Grant will be converted to a loan if the grant recipient completes the course of study for which a TEACH Grant was received and does not actively confirm to the Secretary, at least annually, his or her intention to satisfy the agreement to serve.

Finally, current § 686.43(a)(5) provides that a TEACH Grant will be converted to a loan if the grant recipient has completed the TEACH Grant-eligible program but has failed to begin or maintain qualified employment within the timeframe that would allow the recipient to complete the service obligation within the number of years required under § 686.12.

Current § 686.43(b) states that if a TEACH Grant converts to a Federal Direct Unsubsidized Loan, we do not count that loan against the grant recipient's annual or aggregate Direct Loan limits.

Current § 686.43(c)(1) provides that a grant recipient whose TEACH Grant has been converted to a Federal Direct Unsubsidized Loan receives a six-month grace period prior to entering repayment, and current § 686.43(c)(2) provides that a grant recipient whose grant has been converted to a loan is eligible for all of the benefits of the Direct Loan Program, including an in-school deferment.

Current § 686.43(d) states that a TEACH Grant that converts to a Federal Direct Unsubsidized Loan cannot reconvert to a grant.

Proposed Regulations: We are proposing to revise § 686.43(a) by removing current § 686.43(a)(2) through (4). Current § 686.43(a)(1) and (5) would be slightly revised and redesignated as § 686.43(a)(1)(i) and (ii), respectively. Under the proposed regulations, a TEACH Grant would be converted to a loan only if the grant recipient, regardless of enrollment status, requests that the TEACH Grant be converted into a loan because he or she has decided not to teach in a qualified school or educational service agency, or not to teach in a high-need field, or for any other reason (proposed § 686.43(a)(1)(i)), or if the grant recipient does not begin or maintain qualified employment within the timeframe that would allow the recipient to complete the service obligation within the number of years required under § 686.12 (proposed § 686.43(a)(1)(ii)).

We also propose to expand current § 686.43(a) by adding new §§ 686.43(a)(2) through (9).

Proposed new § 686.43(a)(2) would specify that at least annually during the eight-year period for completing the service obligation, the Secretary will notify the grant recipient of—

- The terms and conditions the grant recipient must meet to satisfy the service obligation (proposed § 686.43(a)(2)(i));
- The requirement for the grant recipient to provide to the Secretary, upon completion of each of the four required years of teaching service, documentation of the service on a form approved by the Secretary and certified by the chief administrative officer of the school or educational service agency where the recipient taught, including a reminder of the need for the grant recipient to keep a copy of the certification as well as copies of the recipient's own employment documentation (proposed § 686.43(a)(2)(ii));
- The number of years of teaching service that the grant recipient has completed and the remaining timeframe within which the recipient must complete the service obligation (proposed § 686.43(a)(2)(iii));
- The conditions under which a grant recipient may request a temporary suspension of the period for completing the service obligation (proposed § 686.43(a)(2)(iv));
- The conditions described in § 686.43(a)(1) under which TEACH Grant amounts disbursed to the grant recipient will convert to a Direct Unsubsidized Loan (proposed § 686.43(a)(2)(v));
- The potential total interest accrued (proposed § 686.43(a)(2)(vi));
- The process by which the grant recipient may contact the Secretary to request reconsideration of the conversion of a TEACH Grant to a loan, the deadline by which the recipient must submit the request, and a list of the specific documentation required by the Secretary to reconsider the conversion (proposed § 686.43(a)(2)(vii)); and
- An explanation that to avoid further accrual of interest, a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a loan that the recipient may begin repaying immediately, instead of waiting for the grant to be converted to a loan in accordance with § 686.43(a)(1)(ii) (proposed 686.43(a)(2)(viii)).

Proposed new § 686.43(a)(3) would provide that on or about 90 days before the date that a grant recipient's TEACH Grants would be converted to loans in accordance with § 686.43(a)(1)(ii), the Secretary will notify the recipient of the date by which the recipient must submit documentation showing that the recipient is satisfying the service obligation.

Proposed new § 686.43(a)(4) would provide that if the TEACH Grant amounts disbursed to a recipient convert to a loan, the Secretary will notify the recipient of the conversion and offers conversion counseling in accordance with § 686.32(e).

Under proposed new § 686.43(a)(5), if a grant recipient's TEACH Grant is converted to a loan in accordance with § 686.43(a)(1)(ii), the Secretary will reconvert the loan to a grant if, within one year of the conversion date, the grant recipient provides the Secretary with documentation showing that he or she is satisfying the service obligation.

Under proposed new § 686.43(a)(6), if a grant recipient's TEACH Grant is involuntarily converted to a loan, the Secretary will reconvert the loan to a TEACH Grant based on documentation provided by the grant recipient or in the Department's records demonstrating

that the recipient was satisfying the service obligation as described in § 686.12, or demonstrating that the grant was improperly converted to a loan.

Proposed new § 686.43(a)(7) would specify that if a grant recipient who requests reconsideration of the conversion of a TEACH Grant to a loan demonstrates that the grant converted to a loan in error, the Secretary—

- Reconverts the loan to a TEACH Grant (proposed § 686.43(a)(7)(i);
- If the grant recipient completed one or more academic years of qualifying teaching service during the period when the grant was in loan status, applies that teaching service toward the recipient's four-year service obligation and excludes the period when the grant was in loan status from the eight-year period during which the recipient must complete the service obligation (proposed new § 686.43(a)(7)(i)(A));
- If the grant recipient did not complete any academic years of qualifying teaching service during the period when the grant was in loan status, excludes the period when the grant was in loan status from the eight-year period during which the recipient must complete the service obligation (proposed new § 686.43(a)(7)(i)(B));
- Ensures that the grant recipient receives credit for any payments made on the Direct Unsubsidized Loan that reconverted to a TEACH Grant (proposed new § 686.43(a)(7)(ii));
- Notifies the recipient of the reconversion of the loan to a grant and explains that the recipient is once again responsible for meeting all requirements of the service obligation (proposed new § 686.43(a)(7)(iii)); and
- Requests deletion of any derogatory information reported to consumer reporting agencies related to the grant while it was in loan status and, upon a request from the grant recipient, furnishes a statement of error that the recipient may provide to creditors until the recipient's credit history has been corrected (proposed new § 686.43(a)(7)(iv)).

Proposed new § 686.43(a)(8) would specify that if a grant recipient who requests reconsideration of the conversion of a grant to a loan does not demonstrate to the satisfaction of the Secretary that the grant converted to a loan in error, the Secretary—

- Notifies the recipient that the loan cannot reconvert to a TEACH Grant (proposed new § 686.43(a)(8)(i));
- Explains the reason or reasons why the loan cannot reconvert to a TEACH Grant (proposed new § 686.43(a)(8)(ii)); and
- Explains how the grant recipient may contact the Federal Student Aid Ombudsman if he or she continues to believe that the grant converted to a loan in error (proposed new § 686.43(a)(8)(iii)).

Proposed new § 686.43(a)(9) would provide that a TEACH Grant recipient remains obligated to meet all requirements of the service obligation, even if the recipient does not receive the notice described in proposed § 686.43(a)(2).

In § 686.43(c), we are proposing to revise paragraph (c)(2) by removing the words ''including an in-school deferment.''

Finally, we are proposing to revise § 686.43(d) to provide that a TEACH Grant that converted to a Direct Unsubsidized Loan cannot reconvert to a grant unless the Secretary determines that the grant was converted to a loan in error.

Reasons: Under the current regulations, there are different circumstances that result in the conversion of a TEACH Grant to a loan depending on whether the grant recipient did or did not complete the program of study for which he or she received TEACH Grants. In addition, under the current regulations, a grant recipient may be subject to loan conversion if the recipient fails to meet certification requirements within specified timeframes, even if the recipient is otherwise meeting the service obligation requirements. Our experience in administering the TEACH Grant Program has shown that the existing regulatory conditions for converting TEACH Grants to loans are difficult for grant recipients to understand and in some cases have led to the conversions of grants made to recipients who were performing qualifying teaching service, but who failed to meet certification deadlines. Therefore, to simplify program requirements, reduce burden on grant recipients, and minimize grant-to-loan conversions resulting from late submission of documentation, we are proposing to eliminate the loan conversion conditions in current §§ 686.43(a)(2) through (4) and retain, with minor modifications, only the current regulations that provide for loan conversion if the recipient requests conversion, or if the recipient fails to begin or maintain qualifying teaching service within a timeframe that would allow the recipient to complete the required four years of teaching within the eight-year service obligation period. These provisions would apply to all grant recipients, regardless of whether they completed the program of study for which they received TEACH Grants.

To ensure that grant recipients are regularly reminded of the service obligation requirements, the Department initially proposed during negotiated rulemaking to specify in new § 686.43(a)(2) that, at least annually during the service obligation period, the Secretary would notify the grant recipient of the terms and conditions that must be met to satisfy the service obligation, the requirement for the grant recipient to provide documentation of each completed year of teaching service, the remaining timeframe within which the recipient must complete the service obligation, the conditions under which the recipient may request a temporary suspension of the service obligation period, and the conditions under which a TEACH Grant will be converted to a Direct Unsubsidized Loan. In response to recommendations from the subcommittee, the Department agreed to expand the contents of the proposed notice to include the number of years of teaching service already completed by the recipient, the potential total accrued interest, information about the process by which a grant recipient may request reconsideration of the conversion of a TEACH Grant to a loan, and an explanation of the grant recipient's option to request conversion of the recipient's TEACH Grants to a loan if the recipient no longer intends to satisfy the service obligation. The subcommittee members felt that it was important to provide grant recipients with this additional information on a regular basis throughout the service obligation period.

We are proposing to add new § 686.43(a)(3) in response to a recommendation made by TEACH Grant subcommittee members. In addition to supporting the Department's proposed changes to the conditions that will result in the conversion of TEACH Grants to loans, several subcommittee members believed that it is important for grant recipients to be notified as they approach the date when they would be subject to loan conversion so that a grant recipient who has been teaching but who has not yet submitted documentation of qualifying teaching service would have an opportunity to do so in time to avoid loan conversion.

We are proposing new § 686.43(a)(4) to reflect in the regulations our current practice of notifying a grant recipient at the time his or her TEACH Grants are converted to a Direct Unsubsidized Loan, and to further specify in the regulations that conversion counseling will be provided in accordance with proposed § 686.32(e).

We are proposing new § 686.43(a)(5) to address circumstances in which a

grant recipient who has been working toward satisfaction of the service obligation neglects to provide any documentation of qualifying teaching service before having his or her grants converted to loans under proposed § 686.43(a)(1)(ii). We believe that the proposed changes in § 686.43 will significantly reduce the number of grant-to-loan conversions due to grant recipients' failure to submit documentation of qualifying teaching service in a timely manner. However, we recognize that these situations may still occasionally arise, and believe it would be appropriate in such cases to provide a means by which the recipient could have the conversion reversed within a reasonable period of time after the date of conversion. Accordingly, proposed § 686.43(a)(5) would provide that if a grant recipient's TEACH Grants are converted to a Direct Unsubsidized Loan because the grant recipient did not begin or maintain qualifying teaching service within a timeframe that would allow the recipient to complete the required four years of teaching within the eight-year service obligation period, the Secretary would change the loan back to a TEACH Grant if, within one year of the conversion date, the recipient provides the Secretary with documentation showing that he or she is satisfying the service obligation.

We are proposing to add new § 686.43(a)(6) in response to a request from non-federal negotiators to include in the regulations a process comparable to what is described in proposed § 686.43(a)(5) for grant recipients whose grants were converted to loans for reasons other than the condition describe in proposed § 686.43(a)(1)(ii), such as recipients whose grants were converted due to their failure to meet certification requirements or recipients whose grants were improperly converted to loans. Under proposed § 686.43(a)(6), in contrast to proposed § 686.43(a)(5), there would be no maximum timeframe following conversion within which a grant recipient must provide documentation showing that he or she was satisfying the service obligation requirements. The non-federal negotiators supported proposed § 686.43(a)(5), but many were concerned that this provision is too limited in scope and that the one-year period for submitting documentation would not help grant recipients who were meeting the service obligation requirements, but had their grants converted to loans prior to the effective date of the new regulations. These non-federal negotiators felt strongly that the regulations should provide a reconversion process for grant recipients who were meeting the service obligation requirements, but who had their grants converted to loans and who would not be covered by proposed § 686.43(a)(5). Proposed § 686.43(a)(6) describes how these grant recipients may request reconsideration of the conversion of their TEACH Grants to loans.

We are proposing new §§ 686.43(a)(7) and (8) to provide greater transparency related to the process by which a TEACH Grant recipient may request reconsideration of the conversion of a TEACH Grant to a loan if the recipient believes that the grant was converted in error, and the Secretary's actions after making a determination on a grant recipient's reconsideration request. Although a process currently exists for grant recipients to request reconversion of a TEACH Grant to a loan, that process is not reflected in the current regulations.

The Department originally proposed that if a TEACH Grant recipient who requests reconsideration of the conversion of a TEACH Grant to a loan demonstrates to the satisfaction of the Secretary that the grant was converted in error, the Secretary would reconvert the loan to a TEACH Grant, notify the recipient of the reconversion to a grant, and explain that the grant recipient is once again responsible for meeting all requirements of the service obligation. During the negotiated rulemaking sessions, some non-federal negotiators expressed concerns that the Department's proposal was too limited in scope and would not provide adequate relief to grant recipients whose grants were converted to loans in error. In particular, these non-federal negotiators believed it was important to specify in the regulations that any academic years of qualifying teaching service performed by the grant recipient while their grant was improperly in loan status due to an erroneous conversion would be applied toward satisfaction of the service obligation requirement, and that the period during which the grant was improperly in loan status would not count against the eight-year service obligation period.

The non-federal negotiators believed that the additional financial burden resulting from the conversion of a grant recipient's TEACH Grants to loans could lead a grant recipient to leave his or her teaching position at a low-income school and obtain a higher paying job while awaiting a decision from the Secretary on the request for reconsideration of the conversion. The non-federal negotiators felt strongly that if the Secretary determines that a grant recipient's TEACH Grant was converted to a loan in error, upon the reconversion of the loan to a grant the recipient should receive credit toward satisfaction of the service obligation for any full academic years of qualifying teaching service that he or she completed during the period between the request for reconsideration and the determination that the grant was converted to a loan in error, and any other portion of that period when the grant was improperly in loan status should not be counted against the remaining portion of the grant recipient's eight-year service obligation period once the loan has been changed back to a grant. To address these concerns, the Department agreed to add proposed §§ 686.43(a)(7)(i)(A) and (B).

As an example to illustrate how the provisions in proposed §§ 686.43(a)(7)(i)(A) and (B) would be applied, consider the case of a grant recipient who completed one academic year of qualifying teaching service during the first year of the eight-year service obligation, then had his or her TEACH Grants converted to a loan and submitted a request for reconsideration based on the belief that the grants were converted in error. After submitting the reconsideration request, the grant recipient continued to perform qualifying teaching service for an additional academic year while the Secretary evaluated the recipient's request. The Secretary determines that the grants converted to a loan in error and reconverts the loans to TEACH Grants. We would apply the year of qualifying teaching that the recipient completed while the grants were in loan status toward the recipient's four-year service obligation requirement, and the recipient would have six years remaining to complete the remaining two years of the service obligation. In contrast, if the recipient did not complete any additional academic years of qualifying teaching following the conversion, and one year elapsed from the time the recipient submitted a reconsideration request until the Secretary made a determination that the grants had been converted in error, the recipient would then have seven years remaining to complete the required three additional years of teaching to fully satisfy the service obligation. We would exclude the one-year period when the grants were incorrectly in loan status from the eight-year service obligation period.

The non-federal negotiators also urged the Department to specify in the regulations that if the Secretary determines that a recipient's TEACH Grants were converted to a loan in error, the grant recipient would receive credit

for any payments that he or she made on the loan that was later reconverted to a TEACH Grant. Proposed § 686.43(a)(7)(ii) provides for this. If the Secretary determines that a recipient's grants were converted to a loan in error, and the recipient made payments on the loan, the payments that the recipient made would be reapplied to reduce the outstanding balance on the recipient's other Direct Loans, if any, unless the recipient requested a refund of the payments. We would automatically refund payments to the recipient if the recipient has no other Direct Loans.

Non-federal negotiators were also concerned that grant recipients who have their TEACH Grants erroneously converted to a loan may not be able to handle the increased student loan debt, and this could lead to delinquency or default. Accordingly, the non-federal negotiators asked the Department to specify in the regulations that we would delete any derogatory information reported to consumer reporting agencies in connection with the loan, and that upon a request from the recipient, the Secretary would provide a statement explaining the conversion error that the recipient could provide to creditors. The Department agreed with the non-federal negotiators and has included this provision in proposed § 686.43(a)(7)(iv).

We are proposing new § 686.43(a)(9) to clarify in the regulations that a grant recipient is obligated to meet all requirements of the service obligation even if the recipient does not receive the notices from the Secretary described in proposed § 686.43(a)(2). If a recipient does not receive the notices because he or she failed to provide updated contact information to the Secretary or for any other reason, this would not provide a basis for the recipient to assert that he or she is no longer responsible for satisfying the terms and conditions of the agreement to serve or repay that the recipient signed.

In § 686.43(c)(2), which currently provides that a grant recipient whose TEACH Grant is converted to a Direct Unsubsidized Loan is eligible for all of the benefits of the Direct Loan Program, including an in-school deferment, we are proposing to remove the words ''including an in-school deferment'' because it is sufficient to simply state that the recipient would be eligible for all Direct Loan Program benefits. There is no reason to specifically refer to the in-school deferment benefit.

Finally, for consistency with proposed changes in other sections of the proposed regulations, we are proposing to amend § 686.43(d) to provide that a TEACH Grant that has been converted to a loan cannot be changed back to a grant unless the Secretary determines that the grant was converted to a loan in error. The main negotiating committee agreed with these proposals.

Directed Questions

(1) If a grant recipient completed one or more academic years of qualifying teaching service during the period the grant was wrongly in loan status, under proposed § 686.43(a)(7)(i)(A) the Secretary will credit the recipient for those years of service and not include the period the grant was wrongly in loan status in the eight-year service period during which the grant recipient must complete their service obligation. In addition to not including this period, if the grant recipient does not have sufficient time to complete such service within the eight-year period once the error is corrected, should the Secretary further extend the period in which the recipient has to complete the required service by an additional period equal to 8 years minus the number of years of qualified teaching service completed by the recipient?

(2) If a grant recipient did not complete one or more academic years of qualifying teaching service during the period the grant was wrongly in loan status, under proposed § 686.43(a)(7)(i)(B) the Secretary will not include the period the grant was wrongly in loan status in the eight-year service period during which the grant recipient must complete their service obligation. In addition to not including this period, if the grant recipient does not have sufficient time to complete such service within the eight-year period once the error is corrected, should the Secretary further extend the period in which the recipient has to complete the required service by an additional period equal to 8 years minus the number of years of qualified teaching service completed by the recipient?

Executive Orders 12866, 13563, and 13771 Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

Under Executive Order 12866, section 3(f)(1), the changes proposed in this regulatory action would materially alter the rights and obligations of recipients of Federal financial assistance under title IV of the HEA. Therefore, the Secretary certifies that this is a significant regulatory action subject to review by OMB. Also, under Executive Order 12866 and the Presidential Memorandum ''Plain Language in Government Writing,'' the Secretary invites comment on how easy these regulations are to understand in the *Clarity of the Regulations* section.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2019, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. The proposed regulations are a significant regulatory action under Executive Order 12866. However, Executive Order 13771 does not apply to ''transfer rules'' that cause only income transfers between taxpayers and program beneficiaries. Because the portion of the regulation relating to the TEACH Grant Program is a transfer rule and because the remaining proposed regulatory changes impose minimal estimated costs of approximately $1.27 million in annualized net PRA costs at a 7 percent discount rate, discounted to a 2016 equivalent, over a perpetual time horizon, the requirement to offset new regulations in Executive Order 13771 does not apply. Accordingly, the Department is not required to identify two deregulatory actions under Executive Order 13771. Also, one of the benefits of this regulatory action is to help improve the process of certification by TEACH grantees and provide less restrictive qualification criteria by expanding the pool of schools under

certain circumstances that would be eligible for meeting the teaching service requirement.

We have also reviewed these proposed regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed regulations only on a reasoned determination that their benefits justify their costs. Based on the analysis that follows, the Department believes that these regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, or Tribal governments in the exercise of their governmental functions.

In this regulatory impact analysis, we discuss the need for regulatory action, the potential costs and benefits, assumptions, limitations, and data sources, as well as regulatory alternatives we considered.

Need for Regulatory Action

In 2007, Congress established the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program to increase the number of teachers in high-need fields in low-income schools. In exchange for receiving a TEACH Grant, recipients agree to teach in a high-need field such as reading, mathematics, or science, at a low-income school, for at least four years in an eight-year period and annually certify that they intend to meet this requirement. If a recipient does not meet the grant requirements or the annual certification requirements, the grant converts to a Federal Direct Unsubsidized Loan with interest charged from the date of each TEACH Grant disbursement.

A 2015 Government Accountability Office (GAO) report found that around 36,000 out of more than 112,000 TEACH Grant recipients had not fulfilled TEACH Grant requirements and had their grants converted to loans (GAO, 2015).[13] GAO concluded that The Department needs to explore ways to increase awareness among students of how the TEACH Grant program operates and improve program management, especially with respect to the grant-to-loan conversion dispute process. GAO further noted that the Department should take steps to understand why teachers often do not meet the TEACH program requirements. GAO reiterated that the goal of reducing grant-to-loan conversions and increasing program completion should help drive the Department's efforts. These proposed regulations help to address GAO's concerns.

A 2018 study conducted for the Department by the American Institutes for Research (U.S. Department of Education, 2018) [14] found that as of June 2016, 63 percent of TEACH Grant recipients who started their eight-year service obligation period before July 2014 had their grants converted to Unsubsidized Loans because they did not meet the service obligation requirements or the annual certification requirements. For instance, the study reported that 39 percent of recipients who were in loan status cited teaching in a position that did not qualify for TEACH Grant service and 33 percent cited not working as a certified teacher. Other factors related to teachers having grants converted to loans included not knowing about annual certification, challenges related to the certification process, and recipients who were never certain of their intention to teach or who changed to a nonteaching position prior to meeting their service obligation.

To address the concerns raised by these studies, we are proposing amendments that are intended to facilitate the process of documenting satisfaction of the service obligation requirements and ensure that recipients who fulfill their service obligation receive credit for it. This should also help to reduce the percentage of TEACH Grants that get converted to Direct Unsubsidized Loans and help promote the TEACH Grant Program's desired outcomes.

The proposed regulations also speak to issues concerning eligibility and distribution of financial aid to various faith-based entities. In response to the Supreme Court's decision in *Trinity Lutheran Church of Columbia, Inc.* v. *Comer* (137 S. Ct. 2012 (2017)) and Executive Order 13798 (U.S. Attorney General Memorandum on Federal Law Protections for Religious Liberty (October 6, 2017)), the Department engaged in a full review of its regulations related to title IV, HEA programs in order to identify provisions that may discriminate against otherwise eligible students and faith-based entities by disqualifying them from title IV, HEA programs due to their religious beliefs in violation of the Free Exercise Clause of the First Amendment to the United States Constitution. The Department proposes to make changes to regulatory provisions that may discriminate against students or faith-based entities based on their religious beliefs to ensure compliance with the Free Exercise Clause of the First Amendment.

Discussion of Costs and Benefits

The Department has analyzed the costs and benefits of complying with these proposed regulations and our estimates are a function of the uncertainty and limitations of relevant data. As discussed below, we believe that these proposed regulations will result in modest costs to the Federal government and will benefit recipients of support under the affected programs.

Benefits of the Proposed Regulations

With respect to the TEACH Grant Program, we anticipate that by simplifying and clarifying certification procedures and providing greater

[13] Government Accountability Office. (2015). Higher Education: Better Management of Federal Grant and Loan Forgiveness Programs for Teachers Needed to Improve Participant Outcomes (GAO 15–314). Washington, DC: United States Government Accountability Office.

[14] U.S. Department of Education. (2018). Study of the Teacher Education Assistance for College and Higher Education (TEACH) Program.

flexibility to recipients to meet their service obligation, the proposed regulations would result in a decrease in the number of TEACH Grant recipients that have their grants converted to loans. We further anticipate that this outcome and the expansion of opportunities that students can use to fulfill the service obligation could result in more teachers teaching in high-need fields at low-income schools as well as in authorized teacher shortage areas.

The regulations we propose related to other programs would also reduce the potential for discrimination against students and faith-based institutions due to their religious beliefs in violation of the Free Exercise Clause of the First Amendment of the Constitution.

Costs of the Proposed Regulations

Regarding changes to the TEACH Grant Program, the proposed changes would potentially improve the reporting and documentation process for grant recipients and could lead to a reduction in the number of grant-to-loan conversions. According to Department data, the percentage of TEACH Grant recipients with one or more years of qualified teaching service after six or more years following their last TEACH award has been increasing steadily. The improvements to the process for recipients to document their teaching service included in these proposed regulations should help prevent unintended grant to loan conversions.

For FY 2020, The Department estimates that approximately 32,000 recipients will receive TEACH Grants with a value of $97.2 million in grants, and an average award of slightly over $3,000. To provide some background, over the past five years from fiscal year 2014 through fiscal year 2018, the Department has provided a total of $449.3 million in TEACH grant funding to 159,317 students. Based on program data, the Department estimates that 66 percent of students receiving TEACH Grants will fail to complete their required service commitment and will have their grants converted to Direct Unsubsidized Stafford Loans.

Using a sensitivity analysis of grant-to-loan conversions, we estimate that for the 2020 cohort, a one percent reduction in the grant-to-loan conversion would result in a cost to the Federal Government of $767,663, since each grant that is not converted to a loan where the student is obligated to pay it back remains a grant. The Department recognizes the percentage change that the proposed regulations would have on the percentage of conversions is uncertain. The Department intends that these regulatory changes should reduce the loan conversion rate. However, students fail to meet the TEACH Grant service requirements for many reasons, including teaching in positions that do not qualify or changing to non-teaching employment. For instance, the PPSS/AIR study cited earlier reported that approximately 39 percent of TEACH recipients whose grants had been converted to loans reported teaching in a position that did not qualify for the TEACH program, 33 percent reported not teaching or not completing the teaching certificate, 32 percent stated they did not understand the service requirements, and about 44 percent o reported factors related to the annual certification process as influencing them to not complete the program requirements. Since respondents could select more than one response category, the total percentage does not add to 100 percent. Of those that indicated the annual certification process was a problem, the distribution revealed that about 19 percent said they did not know about the annual certification process; 13 percent reported not certifying because of challenges to the certification process; 9 percent reported not certifying because they forgot, and about 2 percent listed other reasons.

While predicting how recipients might change behavior due to the proposed regulations is speculative, the PPSS/AIR responses give us reason to assume that there could be improvement based on the recipients who cited the certification process as a factor in their conversion. Such improvement would logically lead to some reduction in the grant-to-loan conversion rate.

Given an estimated grant-to-loan conversion rate, it is possible to identify a series of costs for a series of percentage reductions that give context to the potential impact that the proposed regulations would have.

FIVE PERCENTAGE POINT INTERVAL GRANT-TO-LOAN CONVERSION COSTS

Percentage point reduction	Cost ($millions)
5	3.8
10	7.7
15	11.5
20	15.4
25	19.2

The above table suggests that if the grant-to-loan conversion rate were reduced from the estimated 66 percent to 61 percent—a five percentage point reduction—the Federal Government would incur additional costs of about $3.8 million. And, if the projected 66 percent rate were reduced by 10 percentage points to 56 percent, there would be a cost of about $7.7 million based on the 2020 cohort. However, this cost to the Federal Government would also result in a benefit to student TEACH Grant recipients who would not have to repay their TEACH Grants that were converted to loans. Note that these are five percentage percentage-point intervals, and not percentage decreases of the current rate.

The current regulations do not permit a TEACH Grant recipient to satisfy the service obligation by teaching in a geographic region of a State that has been designated in the Nationwide List as having a shortage of teachers, or by teaching at a particular grade level not associated with a high-need field that has been designated in the Nationwide List as having a shortage of teachers. Instead, the recipient must teach in a high-need field listed in the Nationwide List.

The proposed regulations would remove this restriction. For example, under the proposed regulations, a grant recipient could satisfy the service obligation by serving as a full-time highly qualified general elementary school or secondary school teacher at a low-income school in a State that has reported a general shortage of elementary or secondary teachers in the Nationwide List. This is not allowed under the current regulations. Therefore, the proposed regulations would allow grant recipients who are unable to find qualifying teaching jobs in a high-need field to meet the service obligation by teaching at a low-income school located in a geographic teacher shortage area or at a grade level where there is a shortage of teachers. This could facilitate increased opportunities for TEACH recipients toward meeting the service obligation and perhaps impact the conversion rate to loans. But, it would be speculative to assume any specific amount of change in the conversion rate attributable to potential expanded teaching opportunities. Also, the proposed change might result in a number of grant recipients simply transferring from one low-income school to another low-income school to accept a teaching position that might previously have not been eligible.

Based on available data from the Department's Teacher Shortage Area listing,[15] there are about 10 states, including California, Idaho, Illinois, Maine, Michigan, North Dakota, South Dakota, Pennsylvania, Virginia, West Virginia and the District of Columbia, that appear to have teacher shortages

[15] *https://tsa.ed.gov/#/reports.*

particularly in the elementary education area that could potentially expand the eligible teaching opportunities for TEACH Grant recipients compared to the opportunities available under the current regulations. According to National Center for Education Statistics data, these states represented approximately 27 percent of teachers in public elementary and secondary schools in the 2011–12 Schools and Staffing Survey data, both for overall teachers and for those in their first 10 years of teaching.[16] As indicated in the PPSS/AIR responses, approximately 15 percent of those whose grants converted to loans said they were unable to find a job in a high-need field and adjusting for nationwide percentage of public schools with 30 percent or more of students receiving a free and reduced lunch of approximately 70 percent,[17] we estimate that the changes removing the high needs field requirement in qualifying States will reduce the overall grant-to-loan conversion rate by approximately 3 percent., so relieving that requirement for those states would have some net budget impact. Nevertheless, while the proposed changes would expand options for grant recipients to meet the service obligation by allowing grant recipients who are not teaching in a high-need subject area to qualify by teaching at a low-income school in a geographic shortage area or in a grade-level shortage area, we do not believe the proposed regulations would lead to a significant increase in the actual number of TEACH grant recipients. We would welcome comments from the public as to whether the expansion of teaching options would result in an increase in the number of TEACH grant recipients.

Overall, the proposed regulations have the potential to improve some aspects of the certification process and opportunities for recipients to meet their service requirements, which would benefit recipients, in keeping with the original goal of the program. As several provisions are expected to decrease the grant-to-loan conversion rate and result in additional cost to the Federal Government, we have estimated a net budget impact of that change.

In addition to the 3 percent decrease attributed to the changes to the high needs field requirements, we assume that the additional changes to the TEACH Grant program described in this preamble will decrease grant-to-loan conversions. We expect this effect will be lower for existing cohorts as improved counseling is more applicable to future participants and participants who took out TEACH Grants several years ago may be established in jobs that may not qualify or may have moved on from the profession, possibly limiting the ways those with older TEACH grants may respond to the proposed regulations. As a result, we applied the decreases shown in Table [2] to the grant-to-loan conversion rate to the President's Budget 2020 baseline. For past cohorts, the changes are applied only to future years of activity.

TABLE 2—GRANT-TO-LOAN CONVERSION RATE DECREASE FACTOR

Cohorts	Decrease (percent)
2008–2012	4
2013–2019	9
2020–2029	15

The estimated net budget impact is a cost of $119.98 million, including a modification to existing cohorts of $15.8 million and a cost for cohorts 2020 to 2029 of $104.2 million. We welcome comments on the estimated effects of the proposed regulations and will consider any information received in evaluating the final regulations.

A number of the proposed changes to the regulations relate to the eligibility of certain entities and recipients to participate in the title IV programs. The proposed regulations remove language prohibiting borrowers with Perkins loans made before July 1, 1993 and National Defense Student Loans (NDSL) made between October 1, 1980 and July 1, 1993 from obtaining deferments during periods of otherwise eligible full-time volunteer work that includes providing religious instruction, conducting religious services, proselytizing, or engaging in fundraising to support religious activities. The small group of borrowers expected to benefit from these changes and the heavy discounting effect that would apply to any deferment costs on such old loans, we do not estimate any budget impact from these changes.

The proposed regulations would remove current provisions that state that a member of a religious order pursuing a course of study in an institution of higher education has no financial need for purposes of the Pell Grant Program, Federal Perkins Loan Program, FWSP, FSEOG, FFEL Program, or the Direct Loan Program.

Despite this proposed change, the additional eligibility for student aid for a very small group of participants in a given religious order would not, in our estimation, result in any additional significant financial aid costs to the government. We have little firm data on the number of members in religious orders subject to the proposed changes who would actually choose to accept the financial aid for which they are eligible. For instance, the Franciscans are perhaps the largest and most well-known mendicant religious order, which means the priests take a vow of poverty. According to a 2013 reference,[18] there are around 14,000 first order Franciscan members, including 9,700 priests. Even considering other orders within the Franciscans and additional smaller monastic sects such as the Benedictines and Dominicans, the membership estimates would not be large. Thus, the Department believes that the pool of members potentially impacted by this regulatory change is already small to begin with and the proposed regulations are not going to induce changes in member practices and would not result in measurable financial aid estimates. Note that there are already many religiously oriented postsecondary institutions that are title IV eligible and are not affected by these proposed regulations. Therefore, the proposed changes would allow our regulations to be consistent with the Supreme Court decision in *Trinity Lutheran Church of Columbia, Inc.* v. *Comer* without involving a significant economic impact.

The proposed regulatory changes would also affect PSLF. Under the proposed regulations, certain institutions that are tax-exempt under section 501(c)(3) of the Internal Revenue Code that are religious organizations would be considered public service eligible employers for purposes of PSLF. However, the proposed regulations would provide that, while working for such an employer, no time spent by a borrower involving religious instruction, worship services, or proselytizing could be used toward meeting the full-time requirement stipulated for PSLF.

[16] U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics 2017, Table 209.30. Highest degree earned, years of full-time teaching experience, and average class size for teachers in public elementary and secondary schools, by state: 2011–12. Data not reported for 5 states, including the District of Columbia, so percentage is adjusted to be total of those reporting.

[17] United States Department of Education, National Center for Education Statistics, Condition of Education—Characteristics of Traditional Public Schools and Charter Schools, Figure 3. Percentage of traditional public schools and public charter schools, by percentage of students eligible for free or reduced-price lunch: School year 2016–17. Available at *https://nces.ed.gov/programs/coe/indicator_cla.asp*.

[18] *Annuario Pontificio 2013* (Libreria Editrice Vaticana 2013 ISBN 978–88–209–9070–1), p. 1422.

This consensus language actually codifies existing program practice that makes religious organizations eligible to be PSLF employers, but prohibits time spent on specific religious duties from counting toward the full-time PSLF requirement. Therefore, due to operational practice since program inception and including baseline assumptions, the Department has already been implementing the policy proposed in the NPRM. As a result, the proposed changes would ''catch up'' the regulations with the program as it is currently being executed and simply codify the current operational process.

In fact, the application form for PSLF (OMB No. 1845–0110) specifically states that a qualifying employer includes a ''not-for-profit organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code'' but makes no exclusion for religious purposes. The application also makes it clear that in performing job duties toward the full-time requirement, a borrower's qualifying employment at a 501(c)(3) organization or a not-for-profit organization does not include time spent participating in religious instruction, worship services, or any form of proselytizing. We do not estimate any significant increase in PSLF costs, given that the program has already been operating consistently with the proposed requirements.

The proposed changes to the GEAR UP program regulations would clarify that providers of GEAR UP services to students enrolled in private schools must be contracted independently of the private schools and would allow pervasively sectarian institutions of higher education to serve as fiscal agents for GEAR UP grants. In general, the Department does not estimate costs associated with changes to regulations governing competitive grant programs as participation in such programs is voluntary. However, it is possible that certain changes in the regulatory framework governing a competitive grant program could produce transfers in program benefits among entities or recipients of services.

Regarding the provision requiring providers of services to students enrolled in private schools to be independent of the school, the Department first assessed the extent to which GEAR UP services are currently provided to students enrolled in such schools. During the most recent reporting period, GEAR UP grantees reported serving students in 4,033 schools. Of those schools, the Department was only able to identify five private schools in which students received GEAR UP services. In total, private schools represented only 0.1 percent of schools served by the program and, even among the grantees serving such schools, private schools represented 0.9 percent of the total schools they served. As such, we do not believe that the proposed requirement relating to the employment relationship between individuals providing services in such schools and the schools themselves is likely to have a large impact on the administration of the program.

Regarding who may serve as a fiscal agent for a GEAR UP Grant, as noted above, the proposed regulations would allow pervasively sectarian institutions of higher education to serve in such a capacity. However, nothing in the current GEAR UP regulations precludes a pervasively sectarian institution of higher education from being a member of a GEAR UP partnership. As such, pervasively sectarian institutions can currently participate in and provide services under a GEAR UP grant. The Department does not have readily available data to identify all members of GEAR UP partnerships and whether they are pervasively sectarian. With such information, the Department could more easily quantify the potential number of partnerships affected by the change. However, even without such information, given that pervasively sectarian institutions are already eligible members of partnerships, we do not believe the change to allow them to serve as fiscal agents would dramatically change the makeup of the GEAR UP applicant pool. Any pervasively sectarian institution that currently wishes to participate in the GEAR UP program is able to do so and this change would only result in a shift in who has primary fiscal liability for the grant.

Alternatives Considered

With respect to the TEACH Grant program, we considered not including provisions related to the current reconsideration process in the proposed regulations, maintaining the current counseling requirements without adding a separate conversion counseling requirement, maintaining instead of expanding the current regulations related to qualifying teacher shortage areas for fulfilling the service obligation, and not expanding allowable suspensions beyond those that are currently available. For the faith-based provisions, we considered not making the proposed changes and leaving the current regulatory language in place as written.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand. The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§ '' and a numbered heading; for example, § 106.9 Dissemination of policy.)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section of the preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In fact, the primary entities who are affected by the proposed regulations are individual students, not organizations, businesses, or governmental units. This holds true for the faith-based component of the NPRM that addresses individuals participating in religious orders, or student borrowers applying for PSLF. Similarly, the proposed changes to the TEACH Grant Program regulations primarily affect students who are interested in teaching and apply for a TEACH grant.

Of the entities that would be affected by the proposed regulations, many institutions, especially religiously oriented schools, would be considered small. The Department recently proposed a size classification based on enrollment using IPEDS data that established the percentage of institutions in various higher education

sectors considered to be small entities, as shown in Table [6].[19] This size classification was described in the NPRM published in the **Federal Register** on July 31, 2018 for the proposed borrower defense rule (83 FR 37242, 37302). Under the Department's proposed size standards, ''small entities'' have an enrollment of 1,000 students or less at 4-year schools or 500 students or less at 2-years schools. The Department has discussed the proposed standard with the Chief Counsel for Advocacy of the Small Business Administration, and while no change has been finalized, the Department continues to believe this approach better reflects a common basis for determining size categories that is linked to the provision of educational services.

TABLE 6—SMALL ENTITIES UNDER ENROLLMENT BASED DEFINITION

Level	Type	Small	Total	Percent
2-year	Public	342	1,240	28
2-year	Private	219	259	85
2-year	Proprietary	2,147	2,463	87
4-year	Public	64	759	8
4-year	Private	799	1,672	48
4-year	Proprietary	425	558	76
Total		3,996	6,951	57

The proposed regulations would affect students who belong to religious orders and those students most likely attend institutions with a religious mission. In general, we believe religious institutions are more likely to be small institutions. However, the proposed regulations do not affect the title IV eligibility of such institutions. Indeed, even schools that are controlled by various religious organizations and do not adhere to certain title IX civil rights provisions can still participate in title IV financial aid programs if they receive a waiver from parts of title IX that conflict with the school's religious doctrine.

According to the Department's Office of Civil Rights, since 1976 there have been 277 religious institutions of higher education that have received a religious exemption from title IX civil rights laws due to certain title IX provisions that conflict with the school's religious beliefs. Most of those schools maintain eligibility for title IV funding while holding a partial exemption from title IX. In some cases, there are religious-based schools who on their own choose not to participate at all in title IX or title IV, but the proposed regulations would not impact that limited number of schools.

We do not expect that the proposed regulations would have a significant economic impact on small entities. Nothing in the proposed regulations would compel institutions, small or not, to engage in substantive changes to their programs. Therefore, there is no estimated associated institutional burden.

Even if the affected institutions were considered small entities, the proposed regulations are designed to permit them to participate in title IV programs without jeopardizing their religious mission. Nothing in the proposed regulations would require institutions to expand their enrollment, take on additional students, or to participate in title IV aid programs, but the proposed regulations would give them that opportunity.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that: The public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

Part 686 contains information collection requirements. Under the PRA the Department has submitted a copy of these sections to OMB for its review.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number.

Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

In the final regulations we will display the control numbers assigned by OMB to any collection requirements proposed in this NPRM and adopted in the final regulations.

Section 686.12—Agreement To Serve or Repay

Requirements: Under proposed § 686.12 the TEACH Grant agreement to serve or repay would need to be expanded and updated with revised definitions, requirements, and explanations of the program and participant conditions, and options as discussed in the preamble.

Burden Calculation: We believe that the proposed changes and updates would require changes to the TEACH Grant agreement to serve form currently approved under OMB Control Number 1845–0083, but that those changes would not impact the current burden associated with this form. We estimate that, on average, it would take a grant recipient 30 minutes (.50 hours) to review and complete the updated agreement, which is done electronically. We anticipate 50,793 TEACH applicants would annually utilize the agreement accepting the program terms, including the required teaching service, or the conversion of the grant to a Direct Unsubsidized Loan if such service is not met or the applicant does not otherwise comply with the terms of the agreement. Based on one response per applicant, we estimate an annual reporting burden for individuals of 25,397 hours (50,793 × .50 hours).

[19] U.S. Department of Education, National Center for Education Statistics. Integrated Postsecondary Education Data System 2016 Institutional Characteristics: Directory Information survey file downloaded March 3, 2018. Available at *nces.ed.gov/ipeds/datacenter/DataFiles.aspx.*

§ 686.12—AGREEMENT TO SERVE OR REPAY—OMB CONTROL NUMBER 1845–0083

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Individual	50,793	50,793	.50	25,397
Total	50,793	50,793		25,397

Section 686.32—Counseling Requirements

Requirements: The proposed regulations in § 686.32 would expand the information that is provided to TEACH Grant recipients during initial, subsequent, and exit counseling. The proposed regulations would add a new conversion counseling requirement for grant recipients whose TEACH Grants are converted to Direct Unsubsidized Loans.

Burden Calculation: We believe that the proposed expansion and revision of the required program counseling would require changes to the counseling currently available. The changes to the initial, subsequent, exit, and new conversion counseling information collection would be completed and made available for comment through a full public clearance package after publication of the final rule and before being made available for use by the effective date of the regulations.

Section 686.40—Documenting the Service Obligation

Requirements: The proposed regulations would clarify the requirements regarding the documentation of completion of the teaching service obligation in the TEACH Grant Program and how it is reported.

Burden Calculation: We believe that the proposed changes to the required service obligation would require a new certification form. During the 2018 calendar year, Department records indicate we received documentation for 52,989 grantees regarding yearly service obligation completion. We estimate that to meet the requirements of § 686.40 each respondent would need 20 minutes (.33 hours) to complete the certification form.

We estimate the total burden of 17,486 hours (52,989 × .33 hours) under OMB Control Number 1845–NEW1.

§ 686.40—DOCUMENTING THE SERVICE OBLIGATION—OMB CONTROL NUMBER 1845–NEW1

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Individual	52,989	52,989	.33	17,486
Total	52,989	52,989		17,486

Section 686.41—Periods of Suspension

Requirements: The proposed regulations would add new conditions under which a TEACH Grant recipient may receive a temporary suspension of the period for completing the service obligation.

Burden Calculation: We believe that the proposed new conditions to receive a temporary suspension of the period for completing the service obligation would require a new temporary suspension form.

During the 2018 calendar year, Department records indicate we received documentation supporting suspension of 589 grantees for enrollment to complete licensure requirements. We estimate that to meet the requirements in proposed § 686.41(a)(1)(ii), each respondent would need 20 minutes (.33 hours) to complete the certification form. We estimate the total burden of 194 hours (589 × .33 hours).

During the 2018 calendar year, Department records indicate we received documentation supporting suspension of 334 grantees for qualifying leave under the Family and Medical Leave Act of 1993. We estimate that to meet the requirements in proposed § 686.41(a)(1)(iii), each respondent would need 20 minutes (.33 hours) to complete the certification form. We estimate the total burden of 110 hours (334 × .33 hours).

During the 2018 calendar year, Department records indicate we received documentation supporting suspension of 24 grantees for call to military service. We estimate that to meet the requirements in proposed § 686.41(a)(1)(iv), each respondent would need 20 minutes (.33 hours) to complete the certification form. We estimate the total burden of 8 hours (24 × .33 hours).

We anticipate that we would receive documentation supporting suspension of 25 grantees based on military orders for the grantee's spouse. We estimate that to meet the requirements in proposed § 686.41(a)(1)(v), each respondent would need 20 minutes (.33 hours) to complete the certification form. We estimate the total burden of 8 hours (25 × .33 hours).

We anticipate that we would receive documentation supporting suspension of 500 grantees based on residing or being employed in a federally declared major disaster area. We estimate that to meet the requirements in proposed § 686.41(a)(1)(vi), each respondent would need 20 minutes (.33 hours) to complete the certification form. We estimate the total burden of 165 hours (500 × .33 hours).

We estimate the total burden of 485 hours (1,472 × .33 hours) under OMB Control Number 1845–NEW1.

§ 686.41—PERIODS OF SUSPENSION—OMB CONTROL NUMBER 1845–NEW1

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Individual (a)(1)(ii)	589	589	.33	194

§ 686.41—PERIODS OF SUSPENSION—OMB CONTROL NUMBER 1845–NEW1—Continued

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Individual (a)(1)(iii)	334	334	.33	110
Individual (a)(1)(iv)	24	24	.33	8
Individual (a)(1)(v)	25	25	.33	8
Individual (a)(1)(vi)	500	500	.33	165
Total	1,472	1,472		485

Section 686.42—Discharge of Agreement To Serve or Repay

Requirements: The proposed regulations would revise the language for conditions under which a TEACH Grant recipient may discharge an agreement to serve or repay based on military service.

Burden Calculation: During the 2018 calendar year, Department records indicate we received documentation supporting suspension of 10 grantees for discharge due to an extended call to military service. We estimate that to meet the requirements in proposed § 686.42(c), each respondent would need 20 minutes (.33 hours) to complete the new certification form also used for military service suspension.

We estimate the total burden of 3 hours (10 × .33 hours) under OMB Control Number 1845–NEW1.

§ 686.42—DISCHARGE OF AGREEMENT TO SERVE OR REPAY—OMB CONTROL NUMBER 1845–NEW1

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Individual	10	10	.33	3
Total	10	10		3

Section 686.43—Obligation To Repay the Grant

Requirements: The proposed regulations would simplify the rules governing when a TEACH Grant will be converted to a Direct Unsubsidized Loan, as well as provide for annual notifications from the Secretary to the recipient regarding the status of a recipient's TEACH Grant service obligation. Under the proposed regulations, a TEACH Grant recipient could request conversion if the recipient decides not to fulfill the TEACH Grant obligations for any reason or if the recipient fails to begin or maintain qualifying teaching service within a timeframe to complete the service obligation in the requisite eight-year period. Additionally, the proposed regulations describe the notifications the Secretary would annually send to all TEACH Grant recipients regarding the service obligation requirements.

Burden Calculation: We believe that the proposed regulations would require action on the part of TEACH grant recipients. Based on Department data during the 2018 calendar year there were 52,989 TEACH Grant recipients who submitted evidence of completed teaching service. We estimate that an additional 25 percent of that figure or about 13,247 grant recipients would be working toward their teaching obligation for a total of 66,236 grant recipients who would receive the annual notice from the Secretary as required under proposed § 686.43(a)(2). We estimate that grant recipients would require 10 minutes (.17 hours) to review the information provided in each annual notice. We estimate the total burden of 11,260 hours (66,236 × .17 hours).

There would be burden on those recipients who are notified that their TEACH Grant will be converted to a loan if the recipient does not submit required documentation to show that they are satisfying the service obligation. Based on the Department's data, during calendar year 2018 there were a total of 10,591 TEACH Grant recipients whose grants were converted to loans based on the recipients' voluntary request, or because the recipient was out of time to perform the service obligation or because the recipient did not provide evidence of meeting the service obligation as required under § 686.43(a)(4). We estimate that grant recipients would require 10 minutes (.17 hours) to review the information in the notice. We estimate the total burden of 1,800 burden hours (10,591 × .17 hours).

Additionally, there would be burden on any TEACH Grant recipient whose grant was involuntarily converted to a Direct Unsubsidized Loan to request reconsideration from the Secretary. Based on the Department's data, during calendar year 2018 there were 282 correctable conversions of TEACH Grants into loans. We estimate that a recipient would require 15 minutes (.25 hours) to gather documentation to present to the Secretary and make such a request as required under § 686.43(a)(5). We estimate a total burden of 71 burden hours (282 × .25 hours).

We estimate a total burden of 13,131 burden hours under OMB Control Number 1845–NEW2.

§ 686.43—OBLIGATION TO REPAY THE GRANT—OMB CONTROL NUMBER 1845–NEW2

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Individual (a)(2)	66,236	66,236	.17	11,260
Individual (a)(4)	(*)	10,591	.17	1,800
Individual (a)(5)	(*)	282	.25	71

§ 686.43—OBLIGATION TO REPAY THE GRANT—OMB CONTROL NUMBER 1845–NEW2—Continued

Entity	Respondent	Responses	Time to respond (hours)	Burden hours
Total	66,236	71,109		13,131

* These respondents would be part of the universe of respondents who receive the annual notifications and are not summed to avoid duplication of respondents.

The estimated cost to the recipients is $1,665,679, based on the $29.48 per hour averaged for 2018 elementary, middle school and high school teacher salaries from the 2019 Bureau of Labor Statistics Occupational Handbook.

BILLING CODE 4000–01–P

Regulatory section	Information collection	OMB Control No. and estimated burden (change in burden)	Estimated costs
§686.12 Agreement to serve or repay	Under proposed §686.12 the TEACH Grant agreement to serve or repay would need to be expanded and updated with revised definitions, requirements, and explanations of the program and participant conditions, and options as discussed in the preamble.	1845-0083 +25,397 hours	$748,704
§686.40 Documenting the service obligation	The proposed regulations would clarify the requirements regarding the documentation of completion of the teaching service obligation in the TEACH Grant Program and how it is reported.	1845-NEW1 +17,486 hours	$515,487
§686.41 Periods of suspension	The proposed regulations would add new conditions under which a TEACH Grant recipient may receive a temporary suspension of the period for completing the service obligation.	1845-NEW1 +485 hours	$14,298
§686.42 Discharge of agreement to serve or repay	The proposed regulations would revise the language for conditions under which a TEACH Grant recipient may discharge an agreement to serve or repay based on military service.	1845-NEW1 +3 hours	$88

§686.42 Obligation to repay the grant	The proposed regulations would simplify the rules governing when a TEACH Grant will be converted to a Direct Unsubsidized Loan, as well as provide for annual notifications from the Secretary to the recipient regarding the status of a recipient's TEACH Grant service obligation. Under the proposed regulations, TEACH Grant recipients could request conversion if the recipient decides not to fulfill the TEACH Grant obligations for any reason or if the recipient fails to begin or maintain qualifying teaching service within a timeframe to complete the service obligation in the requisite eight-year period. Additionally, the proposed regulations describe the notifications the Secretary would annually send to all TEACH Grant recipients regarding the service obligation requirements.	1845-NEW2 +13,131 hours	$387,102

BILLING CODE 4000–01–C

Collections of Information

The total burden hours and change in burden hours associated with each OMB control number affected by the proposed regulations follows:

Control No.	Total proposed burden hours	Proposed change in burden hours
1845–0083	25,397	No change in hours.
1845–NEW1.	17,974	+17,974 hours.
1845–NEW2.	13,131	+13,131 hours.
Total ...	56,502	+56,502 hours.

Intergovernmental Review

These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

In accordance with section 411 of GEPA, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department. (Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects

34 CFR Part 674

Loan programs—education, Reporting and recordkeeping, Student aid.

34 CFR Part 675

Colleges and universities, Employment, Grant programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 676

Grant programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

34 CFR Part 685

Administrative practice and procedure, Colleges and universities, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

34 CFR Part 686

Administrative practice and procedure, Colleges and universities, Education, Elementary and secondary education, Grant programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 690

Colleges and universities, Education of disadvantaged, Grant programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 692

Colleges and universities, Grant programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 694

Colleges and universities, Elementary and secondary education, Grant programs—education, Reporting and recordkeeping requirements, Student aid.

Dated: November 22, 2019.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education proposes to amend parts 674, 675, 676, 682, 685, 686, 690, 692, and 694 of title 34 of the Code of Federal Regulations as follows:

PART 674—FEDERAL PERKINS LOAN PROGRAM

■ 1. The authority citation for part 674 continues to read as follows:

Authority: 20 U.S.C. 1070g, 1087aa–1087hh; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

■ 2. Section 674.9 is amended by:

■ a. In the introductory text, removing the word ''A'' and adding the words ''Prior to October 1, 2017, a'' at the beginning of the sentence.

■ b. In the introductory text, removing the word ''is'', and adding, in its place, the word ''was''.

■ c. Revising paragraph (c).

The revision reads as follows:

§ 674.9 Student eligibility.

* * * * *

(c) Has financial need as determined in accordance with part F of title IV of the HEA.

§ 674.35 [Amended]

■ 3. Section 674.35 is amended by removing paragraph (c)(5)(iv) and redesignating paragraph (c)(5)(v) as paragraph (c)(5)(iv).

■ 4. Section 674.36 is amended by revising paragraph (c)(4) to read as follows:

§ 674.36 Deferment of repayment—NDSLs made on or after October 1, 1980, but before July 1, 1993.

* * * * *

(c) * * *

(4) A full-time volunteer in service which the Secretary has determined is comparable to service in the Peace Corps or under the Domestic Volunteer Service Act of 1973 (ACTION programs). The Secretary considers that a borrower is providing comparable service if he or she satisfies the following four criteria:

(i) The borrower serves in an organization that is exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954.

(ii) The borrower provides service to low-income persons and their communities to assist them in eliminating poverty and poverty-related human, social, and environmental conditions.

(iii) The borrower does not receive compensation that exceeds the rate prescribed under section 6 of the Fair Labor Standards Act of 1938 (the Federal minimum wage), except that the tax-exempt organization may provide health, retirement, and other fringe benefits to the volunteer that are substantially equivalent to the benefits offered to other employees of the organization.

(iv) The borrower has agreed to serve on a full-time basis for a term of at least one year.

PART 675—FEDERAL WORK-STUDY PROGRAMS

■ 5. The authority citation for part 675 is revised to read as follows:

Authority: 20 U.S.C. 1070g, 1087, 1094; 42 U.S.C. 2751–2756b; unless otherwise noted.

■ 6. Section 675.9 is amended by revising paragraph (c) to read as follows:

§ 675.9 Student eligibility.

* * * * *

(c) Has financial need as determined in accordance with part F of title IV of the HEA.

■ 7. Section 675.20 is amended by revising paragraph (c)(2)(iv) to read as follows:

§ 675.20 Eligible employers and general conditions and limitation on employment.

* * * * *

(c) * * *

(2) * * *

(iv) Involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

* * * * *

PART 676—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

■ 8. The authority citation for part 676 continues to read as follows:

Authority: 20 U.S.C. 1070b–1070b–3, unless otherwise noted.

■ 9. Section 676.9 is amended by revising paragraph (c) to read as follows:

§ 676.9 Student eligibility.

* * * * *

(c) Has financial need as determined in accordance with part F of title IV of the HEA.

PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

■ 10. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071–1087–4, unless otherwise noted.

■ 11. Section 682.210 is amended by revising paragraph (m)(1)(iv) to read as follows:

§ 682.210 Deferment.

* * * * *

(m) * * *

(1) * * *

(iv) Does not include time spent participating in religious instruction, worship services, or any form of proselytizing; and

* * * * *

§ 682.301 [Amended]

■ 12. Section 682.301 is amended by removing paragraph (a)(2) and redesignating paragraph (a)(3) as paragraph (a)(2).

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

■ 13. The authority citation for part 685 continues to read as follows:

Authority: 20 U.S.C 1070g, 1087a, *et seq.,* unless otherwise noted.

§ 685.200 [Amended]

■ 14. Section 685.200 is amended by removing and reserving paragraph (a)(2)(ii).

■ 15. Section 685.219 is amended by:

■ a. In paragraph (b), revising the definition of ''Public service organization'';

■ b. Revising paragraph (c)(1)(ii); and

■ c. Adding paragraph (c)(4).

The revisions and addition read as follows:

§ 685.219 Public Service Loan Forgiveness Program.

* * * * *

(b) * * *

Public service organization means:

(1) A Federal, State, local, or Tribal government organization, agency, or entity;

(2) A public child or family service agency;

(3) A non-profit organization under section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code;

(4) A Tribal college or university; or

(5)(i) A private organization that provides the following public services: Emergency management, military service, public safety, law enforcement, public interest law services, early childhood education (including licensed or regulated child care, Head Start, and State funded pre-kindergarten), public service for individuals with disabilities and the elderly, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, public library services, school library or other school-based services; and

(ii) Is not a business organized for profit, a labor union, or a partisan political organization.

(c) * * *

(1) * * *

(ii) Is employed full-time by a public service organization or serving in a full-time AmeriCorps or Peace Corps position—

(A) When the borrower makes the 120 monthly payments described under paragraph (c)(1)(iii) of this section;

(B) At the time of application for loan forgiveness; and

(C) At the time the remaining principal and accrued interest are forgiven.

* * * * *

(4) Time spent participating in religious instruction, worship services, or any form of proselytizing while employed by a non-profit organization under section 501(c)(3) of the Internal Revenue Code is not included toward meeting the full-time requirement under paragraph (c)(1)(ii) of this section.

* * * * *

PART 686—TEACHER EDUCATION ASSISTANCE FOR COLLEGE AND HIGHER EDUCATION (TEACH) GRANT PROGRAM

■ 16. The authority citation for part 686 continues to read as follows:

Authority: 20 U.S.C. 1070g, *et seq.,* unless otherwise noted.

■ 17. Section 686.1 is revised to read as follows:

§ 686.1 Scope and purpose.

The TEACH Grant program awards grants to students who intend to teach, to help meet the cost of their postsecondary education. In exchange for the grant, the student must agree to serve as a full-time teacher in a high-need field in a school serving low-income students, or as a full-time teacher in a high-need field for an educational service agency serving low-income students, for at least four academic years within eight years of ceasing enrollment at the institution where the student received the grant or, in the case of a student who receives a TEACH Grant at one institution and subsequently transfers to another institution and enrolls in another TEACH Grant-eligible program, within eight years of ceasing enrollment at the other institution. The eight-year period for completing the required four years of teaching does not include periods of suspension in accordance with § 686.41. If the student does not satisfy the service obligation, the amounts of the TEACH Grants received are treated as a Direct Unsubsidized Loan and must be repaid with interest charged from the date of each TEACH Grant disbursement. A TEACH Grant that has been converted to a Direct Unsubsidized Loan can be reconverted to a grant only in accordance with § 686.43.

■ 18. Section 686.2 is amended by:

■ a. In paragraph (b), adding in alphabetical order an entry for ''Free application for Federal student aid (FAFSA)'' following ''Expected family contribution (EFC)''.

■ b. In paragraph (d), removing the definition of ''Agreement to serve (ATS)'' and adding, in alphabetical order, a definition for ''Agreement to serve or repay''.

■ c. In paragraph (d), adding in alphabetical order the definition of ''Educational service agency''.

■ d. In paragraph (d), in paragraph (5) of the definition of ''High-need field'', adding the phrase '', including, but not limited to, computer science'' after the word ''Science''.

■ e. In paragraph (d), in paragraph (7) of the definition of ''High-need field'', removing the words ''in accordance with 34 CFR 682.210(q)''.

■ f. In paragraph (d), revising the definition of ''Highly-qualified''.

■ g. In paragraph (d), removing the definition of ''School serving low-income students (low-income school)'' and adding, in alphabetical order, a definition for ''School or educational service agency serving low-income students (low-income school)''.

■ h. In paragraph (d), revising the definition of ''TEACH Grant-eligible program''.

■ i. In paragraph (d), adding in alphabetical order a definition for ''Teacher Shortage Area Nationwide Listing (Nationwide List)''.

The additions and revisions read as follows:

§ 686.2 Definitions.

* * * * *

(d) * * *

Agreement to serve or repay: An agreement under which the individual receiving a TEACH Grant commits to meet the service obligation or repay the loan as described in § 686.12 and to comply with notification and other provisions of the agreement.

* * * * *

Educational service agency: A regional public multiservice agency authorized by State statute to develop, manage, and provide services or

programs to local educational agencies (LEAs).

* * * * *

Highly qualified: (i) When used with respect to any public elementary school or secondary school teacher in a State, means that—

(A) The teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

(B) The teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

(ii) When used with respect to—

(A) An elementary school teacher who is new to the profession, means that the teacher—

(*1*) Holds at least a bachelor's degree; and

(*2*) Has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(B) A middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

(*1*) Passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(*2*) Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

(*iii*) When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and—

(A) Has met the applicable standard in paragraph (2) of this definition, which includes an option for a test; or

(B) Demonstrates competence in all the academic subjects in which the teacher teaches based on a highly objective uniform State standard of evaluation that—

(*1*) Is set by the State for both grade-appropriate academic subject matter knowledge and teaching skills;

(*2*) Is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

(*3*) Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(*4*) Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

(*5*) Takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject;

(*6*) Is made available to the public upon request; and

(*7*) May involve multiple, objective measures of teacher competency.

(iv)(A) When used with respect to any public, or other non-profit private, elementary or secondary school teacher who is exempt from State certification requirements means that the teacher is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas.

(B) For purposes of paragraph (iv)(A) of this definition, the competency tests taken by a private school teacher must be recognized by five or more States for the purpose of fulfilling the highly qualified teacher requirements as described in paragraphs (i) through (iii) of this definition, and the score achieved by the teacher on each test must equal or exceed the average passing score of those five States.

* * * * *

School or educational service agency serving low-income students (low-income school): An elementary school, secondary school, or educational service agency that is listed in the Department's Teacher Cancellation Low-Income (TCLI) Directory. The Secretary considers all elementary and secondary schools and educational service agencies operated by the Bureau of Indian Education (BIE) in the Department of the Interior or operated on Indian reservations by Indian Tribal groups under contract or grant with the BIE to qualify as schools or educational service agencies serving low-income students.

* * * * *

TEACH Grant-eligible program: An eligible program, as defined in § 668.8 of this chapter, is a program of study at a TEACH Grant-eligible institution that is designed to prepare an individual to teach as a highly qualified teacher in a high-need field and leads to a baccalaureate or master's degree, or is a post-baccalaureate program of study. A two-year program of study that is acceptable for full credit toward a baccalaureate degree is considered to be a program of study that leads to a baccalaureate degree.

* * * * *

Teacher shortage area nationwide listing (Nationwide List): A list of teacher shortage areas, as defined in § 682.210(q)(8)(vii) of this chapter, in each State.

■ 19. Section 686.10 is revised to read as follows:

§ 686.10 Application.

To receive a grant under this part, a student must—

(a) Complete and submit the Free application for Federal student aid (FAFSA) in accordance with the instructions in the FAFSA;

(b) Complete and sign an agreement to serve or repay in accordance with § 686.12; and

(c) Provide any additional information requested by the Secretary and the institution.

§ 686.11 [Amended]

■ 20. Section 686.11 is amended by:

■ a. In paragraph (a)(1)(i), removing the words ''submitted a completed application'' and adding, in their place, the words ''met the application requirements in § 686.10''.

■ b. Removing paragraph (a)(1)(ii).

■ c. Redesignating paragraphs (a)(1)(iii), (iv), and (v) as paragraphs (a)(1)(ii), (iii), and (iv), respectively.

■ d. In paragraph (b) introductory text, removing the words ''submitted a completed application'' and adding, in their place, the words ''met the application requirements in § 686.10''.

■ e. Removing paragraph (b)(1).

■ f. Redesignating paragraphs (b)(2) and (3) as paragraphs (b)(1) and (2), respectively.

■ 21. Section 686.12 is revised to read as follows:

§ 686.12 Agreement to serve or repay.

(a) *General.* A student who meets the eligibility requirements in § 686.11 may receive a TEACH Grant only after he or she signs an agreement to serve or repay provided by the Secretary and receives counseling in accordance with § 686.32.

(b) *Contents of the agreement to serve or repay.* The agreement to serve or repay—

(1) Provides that, for each TEACH Grant-eligible program for which the student received TEACH Grant funds, the grant recipient must fulfill a service obligation by performing creditable teaching service by serving—

(i) As a full-time teacher for a total of not less than four elementary or secondary academic years within eight years after the date the recipient ceased to be enrolled at the institution where the recipient received the TEACH Grant, or in the case of a student who receives a TEACH Grant at one institution and subsequently transfers to another institution and enrolls in another TEACH Grant-eligible program, within eight years of ceasing enrollment at the other institution;

(ii) In a low-income school as defined in § 686.2(d) and subject to the requirements under § 686.40(a)(3);

(iii) As a highly qualified teacher as defined in § 686.2(d); and

(iv) In a high-need field in the majority of classes taught during each elementary and secondary academic year;

(2) Requires the grant recipient to submit, upon completion of each year of service, documentation of the service in the form of a certification by a chief administrative officer of the school;

(3) Explains that the eight-year period for completing the service obligation does not include periods of suspension in accordance with § 686.41;

(4)(i) Explains the conditions under which a TEACH Grant may be converted to a Direct Unsubsidized Loan, as described in § 686.43;

(ii) Explains that, if a TEACH Grant is converted to a Direct Unsubsidized Loan, the grant recipient must repay the loan in full, with interest charged from the date of each TEACH Grant disbursement; and

(iii) Explains that to avoid further accrual of interest as described in paragraph (b)(4)(ii) of this section, a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a Direct Unsubsidized Loan so that the grant recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the condition described in § 686.43(a)(1)(ii); and

(5) Requires the grant recipient to comply with the terms, conditions, and other requirements consistent with §§ 686.40 through 686.43 that the Secretary determines to be necessary.

(c) *Completion of the service obligation.* (1) A grant recipient must complete one service obligation for all TEACH Grants received for undergraduate study, and one service obligation for all TEACH Grants received for graduate study. Each service obligation begins when the grant recipient ceases enrollment at the institution where the TEACH Grants were received, or, in the case of a grant recipient who receives a TEACH Grant at one institution and subsequently transfers to another institution, within eight years from the date the grant recipient ceases enrollment at the other institution. However, creditable teaching service, a suspension approved under § 686.41(a)(2), or a military discharge granted under § 686.42(c)(2) may apply to more than one service obligation.

(2) Unless paragraph (c)(3) of this section applies—

(i) In the case of a TEACH Grant recipient who withdraws from an institution before completing a baccalaureate or post-baccalaureate program of study for which he or she received TEACH Grants, but later re-enrolls at the same institution or at a different institution in either the same baccalaureate or post-baccalaureate program or in a different TEACH Grant-eligible baccalaureate or post-baccalaureate program prior to the date that his or her TEACH Grants are converted to Direct Unsubsidized Loans under § 686.43(a)(1)(ii) and receives additional TEACH Grants or the Secretary otherwise confirms that the grant recipient has re-enrolled in a TEACH Grant-eligible program, the Secretary adjusts the starting date of the period for completing the service obligation to begin when the grant recipient ceases to be enrolled at the institution where he or she has re-enrolled; and

(ii) In the case of a TEACH Grant recipient who withdraws from an institution before completing a master's degree program of study for which he or she received TEACH Grants, but later re-enrolls at the same institution or at a different institution in either the same master's degree program or in a different TEACH Grant eligible master's degree program prior to the date that his or her TEACH Grants are converted to Direct Unsubsidized Loans under § 686.43(a)(1)(ii) and receives additional TEACH Grants or the Secretary otherwise confirms that the grant recipient has re-enrolled in a TEACH Grant-eligible program, the Secretary adjusts the starting date of the period for completing the service obligation to begin when the grant recipient ceases to be enrolled at the institution where he or she has re-enrolled.

(3) In the case of a TEACH Grant recipient covered under paragraph (c)(2)(i) or (ii) of this section who completed one or more complete academic years of creditable teaching service as described in § 686.12(b) during the period between the grant recipient's withdrawal and re-enrollment—

(i) The Secretary does not adjust the starting date of the period for completing the service obligation unless requested by the recipient;

(ii) The completed teaching service counts toward satisfaction of the grant recipient's service obligation under paragraph (c)(2)(i) of this section; and

(iii) If the grant recipient continues to perform creditable teaching service after re-enrolling in a TEACH Grant-eligible program, the grant recipient may receive credit toward satisfaction of the service obligation for any complete academic years of creditable teaching performed while the recipient is concurrently enrolled in the TEACH Grant-eligible program only if the recipient does not request and receive a temporary suspension of the period for completing the service obligation under § 686.41(a)(1)(i).

(d) *Teaching in a high-need field listed in the Nationwide List.* For a grant recipient's teaching service in a high-need field listed in the Nationwide List to count toward satisfying the recipient's service obligation, the high-need field in which he or she prepared to teach must be listed in the Nationwide List for the State in which the grant recipient teaches—

(1) For teaching service performed before July 1, 2010, at the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or

(2) For teaching service performed on or after July 1, 2010—

(i) At the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or

(ii) At the time the grant recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field subsequently loses its high-need designation for that State before the grant recipient begins teaching in that field.

§ 686.21 [Amended]

■ 22. Section 686.21 is amended by:

■ a. In paragraph (a)(2)(i), removing the word ''aggregate'' and adding, in its place, the word ''total'';

■ b. In paragraph(a)(2)(ii), removing the word ''aggregate'' and adding, in its place, the word ''total'';
■ c. In paragraph (a)(2)(ii), removing the words ''a master's degree'' and adding, in their place, the words ''graduate study''.

§ 686.31 [Amended]

■ 23. Section 686.31 is amended by:
■ a. In paragraph (a)(3), adding the words ''or repay'' after the word ''serve''.
■ b. In paragraph (e)(2)(ii), removing the word ''Federal'' before the words ''Direct Unsubsidized Loan''.
■ 24. Section 686.32 is amended by:
■ a. Revising paragraphs (a)(3), (b)(3), and (c)(4) and (5);
■ b. In paragraph (d), adding the phrase ''paragraphs (a) through (c) of'' after the words ''compliance with''; and
■ c. Adding paragraph (e).

The revisions and addition read as follows:

§ 686.32 Counseling Requirements.

(a) * * *

(3) The initial counseling must—

(i) Explain the terms and conditions of the TEACH Grant agreement to serve or repay as described in § 686.12;

(ii) Provide the grant recipient with information about how to identify low-income schools and documented high-need fields;

(iii) Inform the grant recipient that, for the teaching to count towards the recipient's service obligation, the high-need field in which he or she has prepared to teach must be—

(A) One of the six high-need fields listed in § 686.2; or

(B) A high-need field that is listed in the Nationwide List for the State in which the grant recipient teaches—

(*1*) At the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or

(*2*) For teaching service performed on or after July 1, 2010, at the time the grant recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field subsequently loses its high-need designation for that State before the grant recipient begins teaching in that field;

(iv) Inform the grant recipient of the opportunity to request a suspension of the eight-year period for completion of the agreement to serve or repay and the conditions under which a suspension may be granted in accordance with § 686.41;

(v) Explain to the grant recipient that conditions, such as conviction of a felony, could preclude the grant recipient from completing the service obligation;

(vi) Emphasize to the grant recipient that if the grant recipient fails or refuses to complete the service obligation contained in the agreement to serve or repay or any other condition of the agreement to serve or repay—

(A) The TEACH Grant must be repaid as a Direct Unsubsidized Loan; and

(B) The grant recipient will be obligated to repay the full amount of each grant and the accrued interest from each disbursement date;

(vii) Explain the circumstances, as described in § 686.43, under which a TEACH Grant will be converted to a Direct Unsubsidized Loan;

(viii) Explain that—

(A) To avoid further accrual of interest as described in § 686.12(b)(4)(ii), a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a Direct Unsubsidized Loan that the grant recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the condition described in § 686.43(a)(1)(ii); and

(B) If the grant recipient requests that a TEACH Grant be converted to a Direct Unsubsidized Loan in accordance with § 686.43(a)(1)(i), the conversion of the TEACH Grant to a loan cannot be reversed;

(ix) Emphasize that, once a TEACH Grant is converted to a Direct Unsubsidized Loan, it may be reconverted to a grant only if—

(A) The Secretary determines that the grant has been converted to a loan in error; or

(B) In the case of a grant recipient whose TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with § 686.43(a)(1)(ii), within one year of the conversion date the grant recipient provides documentation showing that he or she is satisfying the service obligation within the eight-year service obligation period;

(x) Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office;

(xi) Describe the likely consequences of loan default, including adverse credit reports, garnishment of wages, Federal offset, and litigation; and

(xii) Inform the grant recipient of sample monthly repayment amounts based on a range of student loan indebtedness.

(b) * * *

(3) Subsequent counseling must—

(i) Review the terms and conditions of the TEACH Grant agreement to serve or repay as described in § 686.12;

(ii) Emphasize to the grant recipient that if the grant recipient fails or refuses to complete the service obligation contained in the agreement to serve or repay or any other condition of the agreement to serve or repay—

(A) The TEACH Grant must be repaid as a Direct Unsubsidized Loan; and

(B) The grant recipient will be obligated to repay the full amount of the grant and the accrued interest from the disbursement date;

(iii) Explain the circumstances, as described in § 686.43, under which a TEACH Grant will be converted to a Direct Unsubsidized Loan;

(iv) Explain that—

(A) To avoid further accrual of interest as described in § 686.12(b)(4)(ii), a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a Direct Unsubsidized Loan that the grant recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the condition described in § 686.43(a)(1)(ii); and

(B) If the grant recipient requests that a TEACH Grant be converted to a Direct Unsubsidized Loan in accordance with § 686.43(a)(1)(i), the conversion of the TEACH Grant to a loan cannot be reversed;

(v) Emphasize that, once a TEACH Grant is converted to a Direct Unsubsidized Loan, it may be reconverted to a grant only if-–

(A) The Secretary determines that the grant has been converted to a loan in error; or

(B) In the case of a grant recipient whose TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with § 686.43(a)(1)(ii), within one year of the conversion date the grant recipient provides documentation showing that he or she is satisfying the service obligation within the eight-year service obligation period; and

(vi) Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office.

(c) * * *

(4) The exit counseling must—

(i) Review the terms and conditions of the TEACH Grant agreement to serve or repay as described in § 686.12 and emphasize to the grant recipient that the four-year service obligation must be

completed within the eight-year period described in § 686.12;

(ii) Explain the treatment of a grant recipient who withdraws from and then reenrolls in a TEACH Grant-eligible program at a TEACH Grant eligible institution as described in § 686.12(c);

(iii) Inform the grant recipient of the opportunity to request a suspension of the eight-year period for completion of the service obligation and the conditions under which a suspension may be granted in accordance with § 686.41;

(iv) Provide the grant recipient with information about how to identify low-income schools and documented high-need fields;

(v) Inform the grant recipient that, for the teaching to count towards the recipient's service obligation, the high-need field in which he or she has prepared to teach must be—

(A) One of the six high-need fields listed in § 686.2; or

(B) A high-need field that is listed in the Nationwide List for the State in which the grant recipient teaches—

(*1*) At the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or

(*2*) For teaching service performed on or after July 1, 2010, at the time the grant recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field subsequently loses its high-need designation for that State before the grant recipient begins teaching in that field;

(vi) Emphasize to the grant recipient that if the grant recipient fails or refuses to complete the service obligation contained in the agreement to serve or repay or fails to meet any other condition of the agreement to serve or repay—

(A) The TEACH Grant must be repaid as a Direct Unsubsidized Loan; and

(B) The grant recipient will be obligated to repay the full amount of each grant and the accrued interest from each disbursement date;

(vii) Explain to the grant recipient that the Secretary will, at least annually during the service obligation period, send the recipient the notice described in § 686.43(a)(2);

(viii) Explain the circumstances, as described in § 686.43, under which a TEACH Grant will be converted to a Direct Unsubsidized Loan;

(ix) Explain that—

(A) To avoid further accrual of interest as described in § 686.12(b)(4)(ii), a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a Direct Unsubsidized Loan that the grant recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the condition described in § 686.43(a)(1)(ii); and

(B) If the grant recipient requests that the TEACH Grant be converted to a Direct Unsubsidized Loan in accordance with § 686.43(a)(1)(i), the conversion of the TEACH Grant to a loan cannot be reversed;

(x) Emphasize that once a TEACH Grant is converted to a Direct Unsubsidized Loan it may be reconverted to a grant only if—

(A) The Secretary determines that the grant was converted to a loan in error; or

(B) In the case of a grant recipient whose TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with § 686.43(a)(1)(ii), within one year of the conversion date the grant recipient provides documentation showing that he or she is satisfying the service obligation within the eight-year service obligation period; and

(xi) Explain to the grant recipient how to contact the Secretary.

(5) If exit counseling is conducted through interactive electronic means, an institution must take reasonable steps to ensure that each grant recipient receives the counseling materials and participates in and completes the exit counseling.

* * * * *

(e) *Conversion counseling.* (1) At the time a TEACH Grant recipient's TEACH Grant is converted to a Direct Unsubsidized Loan, the Secretary conducts conversion counseling with the recipient by interactive electronic means and by mailing written counseling materials to the most recent address provided by the recipient.

(2) The conversion counseling—

(i) Informs the borrower of the average anticipated monthly repayment amount based on the borrower's indebtedness;

(ii) Reviews for the borrower available repayment plan options, including standard, graduated, extended, income-contingent, and income-based repayment plans, including a description of the different features of each plan and the difference in interest paid and total payments under each plan;

(iii) Explains to the borrower the options to prepay each loan, to pay each loan on a shorter schedule, and to change repayment plans;

(iv) Provides information on the effects of loan consolidation including, at a minimum—

(A) The effects of consolidation on total interest to be paid, and length of repayment;

(B) The effects of consolidation on a borrower's underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities; and

(C) The options of the borrower to prepay the loan and to change repayment plans;

(v) Includes debt-management strategies that are designed to facilitate repayment;

(vi) Explains to the borrower the availability of Public Service Loan Forgiveness and teacher loan forgiveness;

(vii) Explains how the borrower may request reconsideration of the conversion of the TEACH Grant to a Direct Unsubsidized Loan if the borrower believes that the grant was converted to a loan in error;

(viii) Describes the likely consequences of default, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

(ix) Informs the borrower of the grace period as described in § 686.43(c);

(x) Provides—

(A) A general description of the terms and conditions under which a borrower may obtain full or partial forgiveness or discharge of the loan (including under the Public Service Loan Forgiveness Program), defer repayment of the loan, or be granted a forbearance on repayment of the loan; and

(B) A copy, either in print or by electronic means, of the information the Secretary makes available pursuant to section 485(d) of the HEA;

(xi) Requires the borrower to provide current information concerning name, address, Social Security number, and driver's license number and State of issuance, as well as the borrower's permanent address;

(xii) Reviews for the borrower information on the availability of the Student Loan Ombudsman's office;

(xiii) Informs the borrower of the availability of title IV loan information in the National Student Loan Data System (NSLDS) and how NSLDS can be used to obtain title IV loan status information;

(xiv) Provides a general description of the types of tax benefits that may be available to borrowers; and

(xv) Informs the borrower of the amount of interest that has accrued on the converted TEACH Grants and explains that any unpaid interest will be

capitalized at the end of the grace period.

■ 25. Section 686.40 is amended by:

■ a. Removing paragraph (a);

■ b. Redesignating paragraph (b) as paragraph (a) and revising it;

■ c. Removing paragraphs (c) and (d);

■ d. Redesignating paragraph (e) as paragraph (b);

■ e. Revising newly redesignated paragraph (b)(2) and adding new paragraph (b)(3); and

■ f. Redesignating paragraph (f) as paragraph (c) and revising it.

The revisions and addition read as follows:

§ 686.40 Documenting the service obligation.

(a) If a grant recipient is performing full-time teaching service in accordance with the agreement to serve or repay, or agreements to serve or repay if more than one agreement exists, the grant recipient must, upon completion of each of the four required elementary or secondary academic years of teaching service, provide to the Secretary documentation of that teaching service on a form approved by the Secretary and certified by the chief administrative officer of the school or educational service agency in which the grant recipient is teaching. The documentation must show that the grant recipient—

(1) Taught full-time in a low-income school as a highly qualified teacher as defined in § 686.2(d); and

(2)(i) Taught a majority of classes during the period being certified in any of the high-need fields of mathematics, science, a foreign language, bilingual education, English language acquisition, special education, or as a reading specialist; or

(ii) Taught a majority of classes during the period being certified in another high-need field designated by that State and listed in the Nationwide List, in accordance with § 686.12(d).

(b) * * *

(2) A call or order to Federal or State active duty, or Active Service as a member of a Reserve Component of the Armed Forces named in 10 U.S.C. 10101, or service as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5); or

(3) Residing in or being employed in a federally declared major disaster area as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(c)(1) A grant recipient who taught in more than one qualifying school or qualifying educational service agency during an elementary or secondary academic year and demonstrates that the combined teaching service was the equivalent of full-time, as supported by the certification of one or more of the chief administrative officers of the schools or educational service agencies involved, is considered to have completed one elementary or secondary academic year of qualifying teaching.

(2) If the school or educational service agency at which the grant recipient is employed meets the requirements of a low-income school in the first year of the grant recipient's four elementary or secondary academic years of teaching and the school or educational service agency fails to meet those requirements in subsequent years, those subsequent years of teaching qualify for purposes of satisfying the service obligation described in § 686.12(b).

■ 26. Section 686.41 is amended by:

■ a. Redesignating paragraphs (a)(1)(ii) and (iii) as paragraphs (a)(1)(iii) and (iv), respectively;

■ b. Adding new paragraph (a)(1)(ii);

■ c. Revising newly redesignated paragraphs (a)(1)(iii) and (iv);

■ d. Adding paragraphs (a)(1)(v) and (vi);

■ e. Revising paragraphs (a)(2), (b), and (c); and

■ f. Adding paragraphs (d) and (e).

The additions and revisions read as follows:

§ 686.41 Periods of suspension.

(a) * * *

(1) * * *

(ii) Receiving State-required instruction or otherwise fulfilling requirements for licensure to teach in a State's elementary or secondary schools;

(iii) A condition that is a qualifying reason for leave under the FMLA;

(iv) A call to order to Federal or State active duty or Active Service as a member of a Reserve Component of the Armed Forces named in 10 U.S.C. 10101, or service as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5);

(v) Military orders for the recipient's spouse for—

(A) Deployment with a military unit or as an individual in support of a call to Federal or State Active Duty, or Active Service; or

(B) A change of permanent duty station from a location in the continental United States to a location outside of the continental United States or from a location in a State to any location outside of that State; or

(vi) Residing in or being employed in a federally declared major disaster area as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(2) A grant recipient may receive a suspension described in paragraphs (a)(1)(i) through (vi) of this section in one-year increments that—

(i) Does not exceed a combined total of three years under paragraphs (a)(1)(i) through (iii) of this section;

(ii) Does not exceed a total of three years under paragraph (a)(1)(iv) of this section;

(iii) Does not exceed a total of three years under paragraph (a)(1)(v) of this section; or

(iv) Does not exceed a total of three years under paragraph (a)(1)(vi) of this section.

(b) A grant recipient, or his or her representative in the case of a grant recipient who qualifies under paragraph (a)(1)(iv) or (vi) of this section, must apply for a suspension on a form approved by the Secretary, prior to being subject to any of the conditions under § 686.43(a)(1) through (5) that would cause the TEACH Grant to convert to a Direct Unsubsidized Loan.

(c) A grant recipient, or his or her representative in the case of a grant recipient who qualifies under paragraph (a)(1)(v) or (vi) of this section, must provide the Secretary with documentation supporting the suspension request as well as current contact information including home address and telephone number.

(d) On a case-by-case basis, the Secretary may grant a temporary suspension of the period for completing the service obligation if the Secretary determines that a grant recipient was unable to complete a full academic year of teaching or begin the next academic year of teaching due to exceptional circumstances significantly affecting the operation of the school or educational service agency where the grant recipient was employed or the grant recipient's ability to teach.

(e) The Secretary notifies the grant recipient regarding the outcome of the application for suspension.

■ 27. Section 686.42 is amended by:

■ a. Revising the section heading;

■ b. In paragraph (a)(1), adding the words ''or repay'' after the word ''serve'';

■ c. In paragraph (a)(2), adding the words ''or repay'' after the word ''serve'';

■ d. Revising paragraph (b); and

■ e. In paragraph (c)(4), removing the words ''and the Coast Guard'' and adding, in their place, the words ''the Coast Guard, a reserve component of the Armed Forces named in 10 U.S.C. 10101, or the National Guard''.

The revisions reads as follows:

§ 686.42 Discharge of agreement to serve or repay.

* * * * *

(b) *Total and permanent disability.* (1) A grant recipient's agreement to serve or repay is discharged if the recipient becomes totally and permanently disabled, as defined in § 685.102(b) of this chapter, and the grant recipient applies for and satisfies the eligibility requirements for a total and permanent disability discharge in accordance with § 685.213 of this chapter.

(2) If at any time the Secretary determines that the grant recipient does not meet the requirements of the three-year period following the discharge as described in § 685.213(b)(7) of this chapter, the Secretary will notify the grant recipient that the grant recipient's obligation to satisfy the terms of the agreement to serve or repay is reinstated.

(3) The Secretary's notification under paragraph (b)(2) of this section will—

(i) Include the reason or reasons for reinstatement;

(ii) Provide information on how the grant recipient may contact the Secretary if the grant recipient has questions about the reinstatement or believes that the agreement to serve or repay was reinstated based on incorrect information; and

(iii) Inform the TEACH Grant recipient that he or she must satisfy the service obligation within the portion of the eight-year period that remained after the date of the discharge.

(4) If the TEACH Grant made to a recipient whose TEACH Grant agreement to serve or repay is reinstated is later converted to a Direct Unsubsidized Loan, the recipient will not be required to pay interest that accrued on the TEACH Grant disbursements from the date the agreement to serve or repay was discharged until the date the agreement to serve or repay was reinstated.

* * * * *

■ 28. Section 686.43 is amended by:

■ a. Revising paragraph(a);

■ b. In paragraph (b), removing the word ''Federal'' before the words ''Direct Unsubsidized Loan'', and removing the word ''any'' before the word ''aggregate'';

■ c. In paragraph (c) introductory text, removing the word ''Federal'' before the words ''Direct Unsubsidized Loan''.

■ d. In paragraph (c)(2), removing the phrase '', including an in-school deferment''; and

■ e. Revising paragraph (d).

The revisions read as follows:

§ 686.43 Obligation to repay the grant.

(a)(1) The TEACH Grant amounts disbursed to the recipient will be converted into a Direct Unsubsidized Loan, with interest accruing from the date that each grant disbursement was made and be collected by the Secretary in accordance with the relevant provisions of subpart A of part 685 of this chapter if—

(i) The grant recipient, regardless of enrollment status, requests that the TEACH Grant be converted into a Direct Unsubsidized Loan because he or she has decided not to teach in a qualified school or educational service agency, or not to teach in a high-need field, or for any other reason; or

(ii) The grant recipient does not begin or maintain qualified employment within the timeframe that would allow that individual to complete the service obligation within the number of years required under § 686.12.

(2) At least annually during the service obligation period under § 686.12, the Secretary notifies the grant recipient of—

(i) The terms and conditions that the grant recipient must meet to satisfy the service obligation;

(ii) The requirement for the grant recipient to provide to the Secretary, upon completion of each of the four required elementary or secondary academic years of teaching service, documentation of that teaching service on a form approved by the Secretary and certified by the chief administrative officer of the school or educational service agency in which the grant recipient taught and emphasizes the necessity to keep copies of this information and copies of the recipient's own employment documentation;

(iii) The service years completed and the remaining timeframe within which the grant recipient must complete the service obligation;

(iv) The conditions under which the grant recipient may request a temporary suspension of the period for completing the service obligation;

(v) The conditions as described under § 686.43(a)(1) under which the TEACH Grant amounts disbursed to the recipient will be converted into a Direct Unsubsidized Loan;

(vi) The potential total interest accrued;

(vii) The process by which the recipient may contact the Secretary to request reconsideration of the conversion, the deadline by which the grant recipient must submit the request for reconsideration, and a list of the specific documentation required by the Secretary to reconsider the conversion; and

(viii) An explanation that to avoid further accrual of interest as described in § 686.12(b)(4)(ii), a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his or her TEACH Grant to a Direct Unsubsidized Loan that the grant recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the condition described in § 686.43(a)(1)(ii).

(3) On or about 90 days before the date that a grant recipient's TEACH Grants would be converted to Direct Unsubsidized Loans in accordance with paragraph (a)(1)(ii) of this section, the Secretary notifies the grant recipient of the date by which the recipient must submit documentation showing that the recipient is satisfying the obligation.

(4) If the TEACH Grant amounts disbursed to a recipient are converted to a Direct Unsubsidized Loan, the Secretary notifies the recipient of the conversion and offers conversion counseling as described in § 686.32(e).

(5) If a grant recipient's TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with paragraph (a)(1)(ii) of this section, the Secretary will reconvert the loan to a TEACH Grant if, within one year of the conversion date, the recipient provides the Secretary with documentation showing that he or she is satisfying the service obligation.

(6) If a grant recipient's TEACH Grant was involuntarily converted to a Direct Unsubsidized Loan, the Secretary will reconvert the loan to a TEACH Grant based on documentation provided by the recipient or in the Department's records that demonstrate that the recipient was satisfying the service obligation as described in § 686.12 or that the grant was improperly converted to a loan.

(7) If a grant recipient who requests reconsideration demonstrates to the satisfaction of the Secretary that a TEACH Grant was converted to a loan in error, the Secretary—

(i) Reconverts the loan to a TEACH Grant and—

(A) If the grant recipient completed one or more academic years of qualifying teaching service during the period the grant was wrongly in loan status, the Secretary applies that teaching service toward the grant recipient's four-year service obligation requirement and suspends the period the grant was wrongly in loan status from the eight-year service period during which the grant recipient must complete their service obligation; or

(B) If the grant recipient did not complete any academic years of qualifying teaching service during the period the grant was wrongly in loan status, the Secretary suspends the period the grant was wrongly in loan status from the eight-year service period during which the grant recipient must complete their service obligation;

(ii) Ensures that the grant recipient receives credit for any payments that were made on the Direct Unsubsidized Loan that was reconverted to a TEACH Grant;

(iii) Notifies the recipient of the reconversion to a grant and explains that the recipient is once again responsible for meeting all requirements of the service obligation under § 686.12; and

(iv) Requests deletion of any derogatory information reported to the consumer reporting agencies related to the grant while it was in loan status and, upon a request from the grant recipient, furnishes a statement of error that the recipient may provide to creditors until the recipient's credit history has been corrected.

(8) If a grant recipient who requests reconsideration does not demonstrate to the satisfaction of the Secretary that a TEACH Grant was converted to a loan in error, the Secretary—

(i) Notifies the recipient that the loan cannot be converted to a TEACH Grant;

(ii) Explains the reason or reasons why the loan cannot be converted to a TEACH Grant; and

(iii) Explains how the recipient may contact the Federal Student Aid Ombudsman if he or she continues to believe that the TEACH Grant was converted to a loan in error.

(9) A TEACH Grant recipient remains obligated to meet all requirements of the service obligation under § 686.12, even if the recipient does not receive the notices from the Secretary as described in paragraph (a)(2) of this section.

* * * * *

(d) A TEACH Grant that is converted to a Direct Unsubsidized Loan cannot be reconverted to a grant except as provided in paragraph (a) of this section.

PART 690—FEDERAL PELL GRANT PROGRAM

■ 29. The authority citation for part 690 continues to read as follows:

Authority: 20 U.S.C. 1070a, 1070g, unless otherwise noted.

§ 690.75 [Amended]

■ 30. Section 690.75 is amended by removing paragraph (d).

PART 692—LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

■ 31. The authority citation for part 692 continues to read as follows:

Authority: 20 U.S.C. 1070c–1070c–4, unless otherwise noted.

■ 32. Section 692.30 is amended by revising paragraph (c)(5) to read as follows:

§ 692.30 How does a State administer its community service-learning job program?

* * * * *

(c) * * *

(5) Not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship; and

* * * * *

PART 694—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS (GEAR UP)

■ 33. The authority citation for part 694 continues to read as follows:

Authority: 20 U.S.C. 1070a–21 to 1070a–28.

■ 34. Section 694.6 is amended by revising paragraph (b) and removing paragraph (c).

The revision reads as follows:

§ 694.6 Who may provide GEAR UP services to students attending private schools?

* * * * *

(b) When providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be employed or contracted independently of the private school that the students attend, and of any other organization affiliated with the school, and that employment or contract must be under the control and supervision of the public agency.

§ 694.10 [Amended]

■ 35. Section 694.10 is amended by removing the words ''that is not pervasively sectarian'' from paragraph (b).

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Vol. 84, No. 238

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FEDERAL REGISTER PAGES AND DATE, DECEMBER

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

26 CFR

1.....66968, 67370

Proposed Rules:

1.....65937, 67046

29 CFR

4044.....67186

Proposed Rules:

10.....67681
90.....67681
103.....66327, 67682
516.....67681
531.....67681
578.....67681
579.....67681
580.....67681
1614.....67683

30 CFR

902.....66296
950.....66309

32 CFR

775.....66586

33 CFR

100.....67375
165 .....66069, 66840, 67187, 67375

34 CFR

Proposed Rules:

Ch. III.....67395
674.....67778
675.....67778
676.....67778
682.....67778
685.....67778
686.....67778
690.....67778
692.....67778
694.....67778

37 CFR

Proposed Rules:

Ch. II.....66328

39 CFR

20.....66072

Proposed Rules:

3010.....67685
3020.....67685
3050.....67402, 67685
3055.....67685

40 CFR

9.....66591, 66599
52 .....66074, 66075, 66316, 66612, 67189, 67191, 67196, 67378
70.....67200
180 .....66616, 66620, 66626
260.....67202
261.....67202
264.....67202
265.....67202
268.....67202
270.....67202
273.....67202
721.....66591, 66599

Proposed Rules:

1.....66084
22.....66084
23.....66084
49.....66084
52 .....66084, 66096, 66098, 66103, 66334, 66345, 66347, 66352, 66361, 66363, 66366, 66853
55.....65938, 66084
71.....66084
78.....66084
124.....66084
222.....66084
257.....65941
372.....66369
721.....66855

44 CFR

64.....65924

45 CFR

1115.....66319

47 CFR

1 .....66078, 66716, 66843
9.....66716
12.....66716
20.....66716
22.....66716
25.....66716
54.....67220
64.....66716

49 CFR

10.....67671
1152.....66320

50 CFR

622.....67236, 67674
648.....66630
660 .....65925, 65926, 67674
679.....65927, 67183

Proposed Rules:

17.....67060
218.....67404
679 .....66109, 66129, 67421

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 10, 2019

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